



City of Newark Code

TITLE XVIII HOUSING CODE

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Editor's Note: For Rent Control, See Title XIX.

Editor's Note: Section 15:6-1 et seq., R.O. 1966, Rooming Houses, has not been continued in this Code as they are licensed and regulated by the State Department of Community Affairs.

CHAPTER 1 - ESTABLISHMENT OF HOUSING CODE

Editor's Note: See also Chapter 6 for Housing and Zoning Regulations (Certificate of Code Compliance).

18:1-1. ADMINISTRATIVE PROVISIONS; WORD USAGE.

18:1-1.1. Title of Code; Short Title.

This Title shall be known as "The Housing Code of The City of Newark" and may be referred to as "The Housing Code." (R.O. 1966 § 15:1-1)

18:1-1.2. Purpose of Code.

The purpose of this Title is to protect health, safety, welfare and morals of the people of the City by enacting a Housing Code which establishes minimum housing standards, determines the respective responsibilities of owners, operators and occupants of dwellings now in existence or which may hereafter be constructed or established, provides for the enforcement of provisions pertaining to such standards and responsibilities, and provides penalties for the violation of such Housing Code. (R.O. 1966 § 15:1-2)

18:1-1.3. Definitions.

a. As used in this chapter:

Accessory structure shall mean a structure located on the same premises and the use of which is incidental to that of the main building.

Basement shall mean the portion of the building which is partly underground and which has more than one-half (1/2) of its height, measured from clear floor to ceiling, above the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits, or trenching.

Cellar shall mean the lowermost portion of the building partly or totally underground, having half or more of its height measured from clear floor to ceiling below the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits, or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits, or trenching.

Central heating system shall mean a system whereby heat is furnished from a central source of supply by a heat producing mechanism or device which is completely separated from those parts of the dwelling to which heat is supplied.

Director shall mean the Director of the Department of Neighborhood and Recreational Services of the City, or such other City official or officials as shall be designated to act in his/her behalf.

Dwelling shall mean any structure which is used or is intended, arranged or designed for use by human occupants for living or sleeping purposes, whether occupied or vacant, inclusive of dwelling units and rooming units as defined herein.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or designed for living, sleeping, cooking and eating, bathing and toilet purposes.

Electrical Bureau shall mean the Electrical Subcode Official in the Department of Engineering.

Extermination shall mean the control and elimination of infestation, as defined herein, by eliminating harboring places, removing or making inaccessible any food, dirt, waste, or other materials that may stimulate increased infestation, and includes pest control by poisoning, spraying, trapping, fumigation by licensed fumigator, or other means of pest elimination procedure.

Habitable room shall mean a room or enclosed floor space used or designed to be used for living, sleeping, cooking or eating, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

Infestation shall mean household pests, vermin, rodents, insects, nesting places and conditions for nesting.

Manager, Division of Tax Abatement and Special Taxes shall mean the Manager of the Division of Tax Abatement and Special Taxes in the Department of Finance.

Occupant shall mean any person or persons in actual possession of, and living in a dwelling or dwelling unit, including the owner and operator.

Operator shall mean any person who has charge, care or control of a building with or without the consent or knowledge of the owner.

Owner shall mean any person who has legal title to any dwelling, with or without accompanying actual possession thereof; or, who has equitable title and is either in actual possession or collects rents therefrom; or, who as executor, executrix, trustee, guardian, or receiver of the estate of the owner, or as mortgagee or as vendee in possession either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents, has charge, care or control of any dwelling. Any person who is a lessee or assignee subletting or assigning any part or all of any dwelling shall have joint responsibility over the portion of the premises sublet or assigned.

Plumbing shall mean and include gas pipes and provided gas burning equipment, heaters and tanks or boiler for hot water, waste pipes, water pipes, water closets, sinks, lavatories, furnace for steam heat and other heating appliances, bathtubs, shower-baths, catch basins, drains, vents, water-cooled air conditioning system, and any other provided fixtures, together with the connection to the water, sewer or gas lines.

Premises shall mean land and buildings and structures thereon.

Provided shall mean furnished, supplied, paid for or under the control of the owner or operator or his designee.

Related persons or persons related shall mean two (2) or more persons who live together in one (1) dwelling unit and maintain a common household, and who are related by blood, marriage or adoption, except as hereinafter provided. For the purpose of this Housing Code, related persons shall include only a husband and wife, son, son-in-law, daughter, daughter-in-law, brother-in-law, sister-in-law, nephews and nieces, father, father-in-law, mother, mother-in-law, brother and sister, grandparents, grandchild, stepchild, adopted child and bona fide family servants living in and working full time on the premises.

Utilities shall mean gas services and equipment therefor; electric service and equipment therefor; water supply, including hot water, and equipment therefor; heat and equipment therefor; refrigeration service and equipment therefor; and house-bell system and equipment therefor.



Water-closet shall mean a toilet.

Water-closet compartment shall mean an enclosed space containing one (1) or more toilets or one (1) or more urinals, and other plumbing appliances.

b. Whenever the words "dwelling," "dwelling unit," "habitable room," "premises," "structure" or "building" are used in this Code, they shall be construed so as to include the plural of these words, and be so interpreted as if they were followed by the words "or any part thereof."

(R.O. 1966 § 15:1-3)

18:1-1.4. Applicability of Code to Existing and Future Buildings.

This Housing Code shall apply to all buildings which are made subject to its provisions, irrespective of the date when such buildings were constructed or may in the future be constructed. (R.O. 1966 § 15:1-4)

18:1-1.5. Rules and Regulations; Approval by Council; Penalty for Violation.

The Director is hereby authorized and empowered to promulgate written rules and regulations approved by the Council for the proper administration of the provisions of this Housing Code; provided, that such rules and regulations shall not be in conflict with the provisions of this Housing Code. The Director shall file a certified copy under his/her hand and seal, of such rules and regulations with the City Clerk, the Director of the Fire Department, the Director of Police and the Manager, Division of Licenses. Such rules and regulations shall have the same force and effect as the provisions of this Housing Code. The penalty for violation of such rules and regulations shall be the same as the penalty for violation of the provisions of this Housing Code, as provided in Chapter 18:6 of this Housing Code. (R.O. 1966 § 15:1-5)

18:1-1.6. Conflict with Other City Codes or Ordinances; Highest Applicable Standard to Prevail; Repeal of Conflicting Lower Standard Provisions.

In any case where a provision of this Housing Code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or other ordinances or codes of the City of Newark in force on the effective date of this Code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail and the lower standard is hereby declared to be repealed to the extent that it is in conflict with the higher standard provision. (R.O. 1966 § 15:1-6)

18:1-1.7. Duties of Owner, Operator and Occupant Distinct and Separate.

The duties and obligations of the owner, operator and occupant, as stated in this Housing Code, shall be separate and distinct. (R.O. 1966 § 15:1-7)

18:1-2. ENFORCEMENT OF HOUSING CODE; NOTICE OF VIOLATION; PENALTY.

18:1-2.1. Right of Inspection; Notice of Violation; General Requirement; "Day" or "Days" Defined; Service of Notice.

a. The Director of Neighborhood and Recreational Services and his/her duly authorized agents, shall have the right and privilege to enter into and upon any lands in the City whereon any building or structure is or may be erected and of entering into any such building or structure, for the purpose of examining the condition of the same and to determine whether the condition thereof is such, as to constitute a violation of any section, subsection or other provision of this Housing Code.

b. Except as may be otherwise provided in subsection 18:1-2.6 or in any other provision of this Housing Code, the Director shall notify in writing, by registered or certified mail or personal service as is more specifically provided in paragraph c. of this section, the owner operator or occupant of a dwelling, as the case may be, of the existence of a condition or conditions which constitute the violation of any section, subsection or other provision of this Housing Code. As used in the provisions of this section



relating to notice of violation, the words "day" and "days" shall not include Saturdays, Sundays and holidays.

c. In the case of an owner or operator, the notice may be served personally upon him/her, or by certified or registered mail addressed to his/her last known address. If, after due diligence, the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the dwelling. Personal service of the notice upon a member of the family of the owner or operator over fourteen (14) years of age, residing in the same dwelling unit with the owner, or operator, shall be deemed personal service upon the owner as the case may be. In the case of an occupant, notice may be mailed or delivered to him/her at his/her dwelling unit or rooming unit, or posted upon the door of his/her dwelling unit or rooming unit.

(R.O. 1966 C.S. § 15:2-1)

18:1-2.2. Service on "Owner" to Constitute Notice of Violation to "Operator" Until Violation Abated.

For the purpose of enforcement of this Housing Code, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violations set forth therein until the violations are abated in conformity with this Housing Code and other applicable ordinances of the City. (R.O. 1966 § 15:2-2)

18:1-2.3. Contents of Notice of Violation; Appraisal of Right to Hearing; Order for Immediate Abatement or Repair in Certain Emergency Cases.

The notice of violation shall contain the following:

- a. Such notice shall designate the dwelling in violation.
- b. Such notice shall contain a statement of the violations existing in the dwelling and the correction thereof sought by the Director.
- c. Such notice shall specify a reasonable time, not to exceed thirty (30) days from the date of service of the notice, in which the notice shall be complied with and the violation abated, corrected or eliminated. Where it shall appear that by reason of the existing violation there is an immediate danger to the life, health or safety of the occupant or any member of his/her family, or to others who may be on or about the premises, the owner, operator or occupant, as the case may be, may be forthwith required to abate or repair the condition complained of.
- d. Such notice shall, in 10-point bold type or larger, apprise such person of his/her right to request a hearing pursuant to this section.

(R.O. 1966 § 15:2-3)

18:1-2.4. Hearing; Request for Hearing by Person Served with Notice; Hearing Procedure; Determination; Order for Abatement.

Any person served with any notice referred to heretofore in this section may request a hearing thereon, provided such request is made in writing and filed with the Director within five (5) days after the day the notice was served. Upon receipt of such request the Director shall set a time and place for such hearing, to be held not later than twenty-five (25) days after the receipt and filing of such request. The Director shall give a ten (10) day written notice of such hearing by certified or registered mail to such person. If the Director at such hearing shall determine that no cause was shown why the notice of violation should be modified or withdrawn, the violation complained of in the notice thereof shall be abated, repaired or corrected within fifteen (15) days from the date of such hearing, except as provided in subsection 18:1-2.3, paragraph c. in cases of immediate danger. If at such hearing the Director shall find that the violations

cannot reasonably be abated within the time set forth in the notice he/she may extend the time for compliance to such period as in his/her judgment the circumstances shall warrant. (R.O. 1966 § 15:2-4)

18:1-2.5. Suspension of Enforcement Against Owner or Operator in Certain Cases of Violation Attributable to Occupant.

Where there exists a violation of the occupancy standards set forth in the provisions of Section 18:3-1.70 et seq., Article 9 of this Housing Code, and where it has been satisfactorily drawn to the attention of the Director that an owner or operator, after receipt of a notice of violation of the provisions of Section 18:3-1.70 et seq. is unable to eliminate the violation by peaceable means within the period of time specified in the notice, and such owner or operator has commenced within such period legal action to dispossess, evict or eject the occupants who cause the violation, no further action shall then be taken against the owner or operator so long as the action as aforesaid is pending in court and is prosecuted expeditiously and in good faith by such owner or operator. (R.O. 1966 § 15:2-5)

18:1-2.6. Notice of Violation Not Required in Certain Cases.

For the enforcement of subsections 18:3-1.19, 18:3-1.28, 18:3-1.77, 18:3-1.89, 18:4-1.10, 18:4-1.11 or 18:4-1.14 of this Housing Code, it shall not be necessary for the Director to first give notice of the violation or to first comply with Section 18:2-1 of this Code, or the preceding subsections of this Section 18:1-2, before instituting proceedings in the Municipal Court for a penalty for violation of any of those provisions. (R.O. 1966 § 15:2-6)

18:1-2.7. Penalty.

a. Any person who shall violate any provision of this Housing Code or of any rule or regulation promulgated by the Director pursuant to authority granted by this Code and as approved by the Council, shall upon conviction be punished by a fine of not more than one hundred (\$100.00) dollars for each such provision violated except as provided for in paragraph e. of this section. Each day's failure to comply with any such provision, including paragraph e. shall constitute a separate offense. Furthermore, the Court shall require any person found in violation of any provision of this Housing Code to attend an instructional course relating to compliance with the provisions of the Code. The instructional course shall be conducted on a quarterly basis by the Department of Neighborhood and Recreational Services (Manager of the Division of Inspections and Enforcement or his/her designee). The Director of Neighborhood and Recreational Services shall establish the time and place where the course will be conducted.

b. The Court may cause a defendant who refuses or neglects to pay the amount of the fine imposed against him/her and all costs and charges incident thereto to be committed to the Essex County Jail for a period not exceeding ninety (90) days.

c. In case a defendant shall have been twice convicted within the space of six (6) months of the violation of this Housing Code and the proof of this fact is made, the Court may, in addition to the imposition of the penalty prescribed by paragraphs a. and b. of this section, cause the defendant to be imprisoned in the Essex County Jail with or without hard labor for any number of days not exceeding one (1) day for each dollar of the penalty.

d. Where the defendant is other than a natural person or persons, paragraphs b. and c. of this section shall apply to any agent, officer, member or partner who shall, alone or with others have charge, care or control of the premises within the definition of "owner" under this Housing Code.

e. Any person who rents, permits or suffers anyone to rent or occupy, voluntarily or involuntarily a building declared unfit for human habitation as defined in Chapter 18:10, shall upon conviction of the offense, be punished by a fine of not more than one hundred (\$100.00) dollars. Each day's violation shall constitute a separate offense.



CHAPTER 2 INFORMATIONAL INSPECTION

18:2-1. INFORMATIONAL INSPECTION OF BUILDINGS AT REQUEST OF OWNERS, PROSPECTIVE PURCHASERS, MORTGAGEES OR PROSPECTIVE MORTGAGEES.

18:2-1.1. Application for Inspection; Informational Certificate or Report.

Whenever an owner, authorized prospective purchasers, mortgagee or prospective mortgagee shall apply to the Director for an inspection of any building used or intended to be used for dwelling purposes, in order to ascertain if any section of this Housing Code has been violated, the Director, upon payment of the fees specified in Section 18:2-1.2, shall cause an inspection to be made of the premises and issue an informational certificate or report of the inspection to the applicant, indicating therein any violations of this Housing Code found on such inspected premises. The applicant for an inspection shall state in writing, on forms provided by the Director, his/her full name, residence, and the reason and authority for the requested inspection. The Director shall deny the application for failure to comply with these requirements. (R.O. 1966 § 15:3-1)

18:2-1.2. Fee for Informational Inspection.

a. There shall be a charge of fifteen (\$15.00) dollars for the inspection of not more than five (5) rooms of each dwelling unit and five (\$5.00) dollars additional for each room of such dwelling unit in excess of five (5) rooms.

b. There shall be a charge for the inspection of mercantile, industrial and business buildings, according to the following schedule:^[3]

1. From 0 to 1,000 square feet: \$5.00 minimum fee and \$0.01 for each square foot but not more than \$10.00 in total;

2. From 1,001 to 5,000 square feet: \$10.00 minimum fee and \$0.005 for each square foot but not more than \$25.00 in total;

3. From 5,001 to 10,000 square feet: \$25.00 minimum fee and \$0.0025 for each square foot but not more than \$38.00 in total;

4. From over 10,001 square feet: \$38.00 minimum and \$0.0020 for each square foot, but not more than \$100.00 in total.

c. All such fees collected for inspection shall forthwith be transmitted to the City Treasurer.

(R.O. 1966 C.S. § 15:3-2)

18:2-1.3. Omissions or Errors in Informational Report Not to Impose Liability on City or its Agents.

In no instance shall any errors or omissions in the informational certificate or report of the inspection be construed to impose any liability therefor on the City, or the Director, or on the servants, agents or employees of the City. (R.O. 1966 § 15:3-3)

CHAPTER 3 RESPONSIBILITIES OF OWNERS/OPERATORS

18:3-1. DWELLINGS: RESPONSIBILITY OF OWNER AND OPERATOR FOR GENERAL MAINTENANCE; OCCUPANCY STANDARDS.

ARTICLE 1 General Maintenance of Premises

18:3-1.1. Compliance with Chapter Required.

a. It shall be the responsibility of the owner and operator to comply with the provisions of this chapter, except as otherwise provided in this Housing Code.

b. It shall be the responsibility of the purchaser of any one (1) to four (4) family residential City-owned property where the condition of renovation or rehabilitation applies, to repair, alter and improve the building in accordance with the requirements of this Code and the Uniform Construction Code of the State of New Jersey. Information for the requirements may be obtained by inquiry to the Construction Code Official. The repairs, alterations and improvements shall be completed six (6) months from the date of closing title with the City.

c. In the event the purchaser fails to comply with the aforementioned rehabilitation requirements, all monies paid on behalf of the purchase price, by way of deposit or otherwise shall be retained by the City as its liquidated damages and it may thereafter resell the property and/or pursue such other and further legal and/or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the City by reason of any such default.

d. The City shall have the right to seek a reversion of title where the purchaser fails to comply with rehabilitation requirement. This right of reversion shall be included in a clause contained in the deed of conveyance. In order for the City to reacquire the property, an action must be instituted within six (6) months following the termination of the period in which the rehabilitation requirement shall have been satisfied.

e. The reversionary right shall be deemed extinguished upon the happening of any of the following:

1. The issuance of a Certificate of Occupancy with a copy sent to the Office of Property Management; or
2. The failure of the City to institute an action within the specified time period.

(R.O. 1966 § 15:4-1; Ord. 6 S+FO, 06-21-89)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-2.1.

18:3-1.2. Maintenance in Good Repair.

Every dwelling and every part thereof shall be kept in a state of sound repair and in a clean and sanitary condition. (R.O. 1966 § 15:4-2)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-2.2.

18:3-1.3. Freedom from Hazards.

The premises under the control of the owner shall be kept free from conditions which constitute a hazard to health or safety. (R.O. 1966 § 15:4-3)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-2.3.

18:3-1.4. Interior Painting, Plastering and Papering.

a. Sidewalls, window frames, doors and other woodwork, ceilings of every habitable room, bathrooms, water-closet compartments, pantries, laundries, foyers, halls, corridors, closets and compartments within a dwelling shall be kept sufficiently painted, plastered, papered or otherwise maintained so that the same shall have a clean and washable surface.

b. The use of any paint or any pigmented, liquid substance applied to surfaces by brush, roller or spray in which the total non-volatile ingredients contain more than one (1%) percent of lead, by weight, on the interior surfaces of any dwelling, dwelling unit or any other surface or area to which a child residing in a dwelling may have access as defined in Section 16:4-1 is prohibited.

(R.O. 1966 C.S. § 15:4-4)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see subsection 18:6-2.4.

18:3-1.5. Weather and Water Tightness.

All roofs, gutters, leaders, drains, side walls, windows, window frames, doors and other parts of a dwelling shall be kept structurally sound and reasonably free from evidences of apparent defects. The ceilings, walls and floors of the interior of the premises, the basement and cellar and all parts thereof shall, wherever possible, be kept dry and free from dampness. Every basement and cellar shall be ventilated where necessary so as to prevent dampness. (R.O. 1966 § 15:4-5)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see subsection 18:6-2.5.

18:3-1.6. Freedom from Filth, Refuse or Other Accumulations.

a. *Exterior.* The exterior areas of the premises and accessory structures shall be kept free from filth, ashes, rubbish, refuse, junk, slop, wood, paper or other materials which are or may be a hazard to health or a cause of accidents or fires. All such materials shall be kept in receptacles and disposed of by the owner or person designated by the owner, as provided under Sections 15:4-9 et seq.

b. *Interior.* All common areaways, stairways, halls, attics, cellars or basements or other parts of the dwelling not under the exclusive control of the occupants shall be kept free from filth, ashes, rubbish, refuse, junk, slop, wood, paper or other materials which are or may become a hazard to health or safety.

c. *Drainage.* All premises shall be so drained as to prevent any accumulation of water thereon. All natural drainage where the natural contour of the premises has been altered, and all drainage from the roofs, gutters, leaders, and side walls of the dwelling on the premises shall be so directed and conveyed as to prevent accumulation of such water thereon or on the property adjacent thereto, and all such drains and runoffs shall be kept clear and operable.

(R.O. 1966 § 15:4-6)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-2.6.

18:3-1.7. Elimination of Insects, Vermin and Rodents.

All premises shall be kept free from infestation and sources of infestation and, when discovered, the same shall be exterminated forthwith. (R.O. 1966 § 15:4-7)

CROSS REFERENCE: For provisions pertaining to vermin control, see Section 16:20-1 et seq. of these Revised General Ordinances. For occupant's responsibility, see section 18:4-1.4.

For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-2.7.

18:3-1.8. Doors and Window Screens.

During the period from May 15 to October 15 of each year, screens in good serviceable condition shall be provided for all doors, windows and other openings to the exterior of the dwelling so that the interior thereof shall be free of infestation. (R.O. 1966 § 15:4-8)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-2.8

18:3-1.9. Structural Soundness and Safety of Dwelling.

- a. Foundation walls shall be maintained in good repair and be structurally sound.
- b. The siding, walls, roof, stairs, porches, balconies and other structural parts of the building shall be kept in good repair, structurally sound and free from evidence of deterioration.
- c. All porches, landings, balconies and stairs shall be provided with banisters, railings or other protection, properly designed and maintained to minimize the hazard of falling.
- d. Except where already paved, the floors of basements and cellars shall be paved with stone or cinder concrete not less than four (4) inches thick in proportion of one (1) part cement, three (3) parts of sand and six (6) parts cinders or stone.
- e. All exterior surfaces not inherently resistant to decay shall be kept painted or otherwise provided with a protective coating sufficient to prevent structural deterioration.

(R.O. 1966 § 15:4-9)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-2.9.

18:3-1.10—18:3-1.14. Reserved.

ARTICLE 2 Heating Facilities: Installation and Maintenance

18:3-1.15. Heating Facilities Required.

All habitable rooms, bathrooms and water-closet compartments shall be heated by central heating or, in lieu thereof, by a system vented by flue stacks to accommodate permanent heating fixtures or apparatus, except where heating is by electrical energy, in which case no flue stacks shall be required. No dwelling unit shall be rented or occupied unless the flue or flue stacks and the heating fixtures or apparatus are properly installed and conform to the Uniform Fire Safety Act and all other applicable provisions of the ordinances of the City, and are of sufficient capacity safely and adequately to heat all the habitable rooms, bathrooms and water-closet compartments to a temperature of at least sixty-eight (68°) degrees Fahrenheit while the external temperature is ten (10°) degrees Fahrenheit. (R.O. 1966 § 15:4-10)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-3.1.

18:3-1.16. Central Heating System; Approval; Location.

- a. All central heating systems shall be of a type approved by the Fire Subcode Official.

b. The central heating system shall be located in an area or space which is ventilated and completely separated by fire retarding walls or partitions, and which area or space shall contain means of ingress or egress in accordance with the laws, ordinances and regulations of the City pertaining to fire prevention and safety.

(R.O. 1966 § 15:4-11)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-3.2.

18:3-1.17. Electrical Devices for Heating.

Any permanent heating system using electricity as a source of heat shall conform to all the regulations of the State Uniform Construction Code. (R.O. 1966 § 15:4-12)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-3.3.

18:3-1.18. Maintenance of Heating Facilities in Good Operating Condition.

The chimneys, smokestacks, smokepipes and flues, other pipes, the heating equipment, furnaces and boilers in the dwelling shall be maintained free of defects and in good operating condition at all times and shall be so maintained and so operated that no coal or illuminating gas, soot, smoke or noxious fumes or odors shall enter the dwelling or any dwelling or dwelling unit adjacent thereto. The owner shall be obliged to make repairs on all the aforesaid parts of the premises and equipment, except such heating equipment as is supplied by and under control of the occupant. (R.O. 1966 § 15:4-13)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-3.4.

18:3-1.19. Supplying of Heat and Air-Conditioning; Penalty.

a. Where the owner has contracted or undertaken to do so, heat and/or air-conditioning shall be furnished by the owner to all habitable rooms, bathroom water closet compartments and laundries of the dwelling in use by the occupants as hereunder provided.

b. For the purpose of this Article, wherever a dwelling is heated by means of a central furnace, boiler or other apparatus, or where there exist heating outlets, radiators, risers or returns in any dwelling unit or rooming unit, such shall constitute prima facie evidence of an implied contract to supply heat to occupants. The presumption shall not apply where a complete heating system serves only one (1) dwelling unit.

c. Where the owner is obligated to supply heat, such heat shall be supplied in every unit of dwelling space and every habitable room therein from October 1 through May 1 so that: 1. between the hours of 6:00 a.m. and 11:00 p.m. a minimum inside temperature of sixty-eight (68°) degrees Fahrenheit shall be maintained; and 2. between the hours of 11:00 p.m. and 6:00 a.m. a minimum inside temperature of sixty-five (65°) degrees Fahrenheit shall be maintained.

d. For the purpose of this Article wherever a dwelling is cooled by means of a central air conditioning unit or other apparatus, or where there exists cooling outlets in any dwelling unit or rooming units, such shall constitute prima facie evidence of an implied contract to supply air conditioning to occupants. The presumption shall not apply where a complete air-conditioning unit serves only one (1) dwelling unit.

e. Where the owner is obligated to supply air-conditioning, such air-conditioning shall be supplied in every unit of dwelling space and every habitable room therein from May 15 through September 30 regardless of the outside temperature.

f. Any person who shall violate the provisions of this subsection may, upon conviction, be imprisoned for any term not exceeding ninety (90) days, or be ordered to perform a period of community service not exceeding ninety (90) days, or may be punished by a fine of not more than two thousand (\$2,000.00) dollars, but not less than one hundred (\$100.00) dollars per affected unit and per incident. However, in the event that the fine issued shall exceed one thousand two hundred fifty (\$1,250.00) dollars, the owner of the property will be afforded thirty (30) days to cure the violation, or violations if there exists more than one unit. Each day's failure to comply with the provisions of this section shall constitute a separate offense.

g. The Court may cause a defendant who refuses or neglects to pay the amount of the fine imposed against him/her and all costs and charges incident thereto to be committed to the Essex County Jail for a period not to exceed ninety (90) days.

h. In case a defendant shall have been twice convicted within the space of six (6) months of a violation of this section and proof of this fact is made, the Court may, in addition to the imposition of the penalty prescribed by paragraphs f. and g. of this section cause the defendant to be imprisoned in the Essex County Jail for any number of days not to exceed ninety (90) days.

i. Where the defendant is other than a natural person or persons, paragraphs g. and h. of this section shall apply to any agent, officer, member or partner who shall, alone or with others have charge, care, or control of the premises within the definition of "owner" under the provisions of the Housing Code of the City of Newark.

j. All ordinances or parts of ordinances inconsistent with any of the terms of this subsection are hereby repealed to the extent of such inconsistency or inconsistencies.

k. If any sentence, paragraph or section of this subsection, or the application thereof to any persons or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this subsection shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this subsection and are declared to be severable.

(R.O. 1966 C.S. § 15:4-14; Ord. 6 S+FE, 5-7-86; Ord. 6 S+FS, 7-13-88; Ord. 6 S+FG, 8-7-91; Ord. No. 6 S+FE, 12-4-06)

18:3-1.19.1. Failure of Landlord to Supply Heat; Penalty.

a. Whenever necessary to protect the health and safety of residential tenants, the Manager of the Division of Code Enforcement ("the Manager") is hereby authorized to act as the agent for any landlord who has contracted or undertaken to supply heat in:

1. The engaging of a fuel oil dealer to deliver fuel oil at a reasonable price per gallon and to refire the burner to restore the proper heating of any residential property rented by said landlord; and/or
(2) the engaging of repairmen and the ordering of any parts necessary to restore to operating condition the furnace, boiler or other equipment essential to the proper heating of any residential unit rented by said landlord.

b. Prior to the Manager taking any of the actions outlined in paragraph a. of this section, at least twelve (12) hours must have elapsed, if the outside air temperature is between thirty-three (33) degrees and fifty-five (55) degrees Fahrenheit, inclusive, or at least four (4) hours have elapsed if the outside air temperature is below thirty-three (33) degrees Fahrenheit, since the tenant has lodged a complaint with the Division of Code Enforcement prior to which a bona fide attempt was made by the tenant or his representative to notify the landlord of the lack of heat, and the landlord has failed to take appropriate action. Lack of heat means maintaining less heat than required by Section 18:3-1.19c. Upon receipt of a complaint from a tenant pursuant to this section, the Department of Code Enforcement shall make a reasonable attempt to notify the landlord via telephone of the complaint.



c. Any individual or business entity which supplies materials or services pursuant to paragraph a. of this section may bill the City of Newark, and the City shall issue a voucher to the individual or business entity which supplied such materials or services. The voucher shall be paid in the manner provided for the approval and payment of claims pursuant to N.J.S.A. 40A:5-17.

d. Any landlord or his agent whose negligence or failure to act results in action by the Manager pursuant to paragraph a. of this section shall be liable per affected unit and per incident for the penalties set forth in Title XVIII, Chapter 3, Section 1.19, subsection (f), of the Municipal Code.

e. In any penalty enforcement proceeding brought pursuant to this section, the Court shall also order the landlord or his agent to reimburse the City of Newark for the actual costs incurred for actions taken by the Manager pursuant to paragraph a. of this section, and for reasonable attorney's fees and costs. The Court shall further be empowered to issue any appropriate injunctive orders, and to authorize immediate collection of reimbursable costs due the municipality out of the goods and chattels of the landlord, including all sums due, or which may come due, as present or future rents. Any landlord who prevails in such an action shall be entitled to reimbursement by the City of Newark for all reasonable costs and expenses. Such landlord, however, shall still remain liable for the actual costs incurred for actions taken by the Manager pursuant to paragraph a. of this section.

f. Neither the City of Newark nor its officials, officers or employees shall be liable for damages to any person or property in enforcing this section except for the gross negligence or malfeasance of any municipal official, officer or employee, and under no circumstances shall the City of Newark be held liable for damages from the lack of heat in a residential property.

g. The Court may cause a landlord who refuses or neglects to pay the amount of a judgment rendered against him and all costs and charges incident thereto, to be imprisoned in the Essex County jail for a period not to exceed ninety (90) days.

h. In case a landlord shall have been twice convicted within the space of six (6) months of a violation of this section and the proof of this fact is made, the Court may, in addition to the penalty prescribed by paragraphs f. and g. of this section, cause the defendant to be imprisoned in the Essex County jail for a period not to exceed one (1) day for each dollar of the penalty.

i. Where the landlord is other than a natural person, paragraphs g. and h. shall apply to any agent, officer, member or partner who shall, alone or with others have charge, care, or control of the premises within the definition of owner under the provisions of the Housing Code of the City of Newark.

j. All ordinances or parts of ordinances inconsistent with any of the terms of this subsection are hereby repealed to the extent of such inconsistency or inconsistencies.

k. If any sentence, paragraph or section of this subsection, or the application thereof to any persons or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this subsection shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this subsection and are declared to be severable.

(Ord. 6 S+FC, 2-7-01 § 1; Ord. No. 6 S+FF, 12-4-06)

18:3-1.20—18:3-1.25. Reserved.

ARTICLE 3 Hot and Cold Water: Installation, Maintenance and Supply

18:3-1.26. Hot and Cold Water Facilities.

All sinks, basins, showers and baths shall have supplied hot and cold running water. All toilets, urinals and water closets shall have supplied cold running water in adequate quantity to provide a minimum rate



of flow of such water at any faucet or fixture of not less than one (1) gallon per minute. The supply of water shall be provided to all fixtures freely and continuously, pursuant to Title VII, the State Uniform Construction Code. Where there is no central heating and the dwelling unit has a vent, flue stack or stacks, the unit and all sinks, basins, showers and baths therein shall be supplied with water heating facilities which are properly installed, maintained in safe and good working condition and are properly connected with running hot and cold water lines as required under this Housing Code and all other applicable codes. Such facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120°) degrees Fahrenheit. (R.O. 1966 § 15:4-15)

Editor's Note: This reference was originally to Title XIX, Plumbing Code, which was repealed by the adoption of the State Uniform Construction Code.

CROSS REFERENCE: See also water regulations concerning required supply, Section 33:5-61 of these Revised General Ordinances. For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-4.1.

18:3-1.27. Maintenance of Hot Water Heating Equipment.

The hot water storage tanks and hot water pipes shall be maintained free from leaks or other defects. Where hot water is supplied by the owner, or the water heating apparatus is supplied by the owner, he/she shall maintain the water heating apparatus free from leaks or other defects. (R.O. 1966 § 15:4-16)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-4.2.

18:3-1.28. Supply of Hot Water.

a. Hot water shall be supplied at all times at a temperature of not less than one hundred twenty (120°) degrees Fahrenheit, between the hours of 6:00 a.m. and 10:00 p.m., in a manner in accordance with law.

b. For the purposes of this Article, wherever a dwelling is supplied hot water by means of a central furnace, boiler or other similar apparatus or where there exists a central water boiler or hot water pipe system, such shall constitute prima facie evidence of an implied contract under which the owner has contracted to supply hot water to the occupants. This presumption shall not apply where a complete hot water system serves only one (1) dwelling unit.

(R.O. 1966 C.S. § 15:4-17)

Editor's Note: In *Newark v. Charles Realty Co.*, 9 N.J. Super. 442 (Cty. Ct. 1950), the court upheld a similar ordinance.

CROSS REFERENCE: For application of this section to occupant where he/she supplies heat, see Section 18:4-1.12.

18:3-1.29—18:3-1.34. Reserved.

ARTICLE 4 Kitchen Facilities

18:3-1.35. Facilities Required.

No dwelling unit shall be permitted to be occupied unless there shall be separate, self-contained cooking facilities which contain:

a. A kitchen sink in good working condition, having an attached drainboard. Such sink shall be properly connected to a water and sewer system in accordance with all applicable codes.

b. Ventilation sufficient to remove all odors to the exterior of the premises.

(R.O. 1966 § 15:4-18)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-5.1.

18:3-1.36—18:3-1.40. Reserved.

ARTICLE 5 Bathroom and Lavatory Facilities

18:3-1.41. Required Facilities; Privacy and Accessibility.

Every dwelling unit shall contain a flush water closet, lavatory basin and a shower or bath. Such facilities shall be located in a separate room affording privacy to persons using the facilities and shall be accessible to any persons using the facilities directly from within the dwelling unit. (R.O. 1966 § 15:4-19)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-6.1.

18:3-1.42. Connection to Water and Sewer Line.

The facilities shall be connected through pipes to a water and sewer system in accordance with all applicable codes, and shall be maintained free from leaks or other defects. (R.O. 1966 § 15:4-20)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see subsection 18:6-6.2.

18:3-1.43. Floors to be Water-Resistant.

Floors shall be so installed or covered as to be water resistant. (R.O. 1966 § 15:4-21)

18:3-1.44—18:3-1.49. Reserved.

ARTICLE 6 Light, Ventilation and Electrical Facilities

18:3-1.50. Natural Ventilation.

Except as may otherwise be provided by Section 18:3-1.51 of this Article:

a. Every habitable room shall be provided with a window or skylight which opens directly to the outer air. The total area of such window or skylight shall not be less than ten (10%) percent of the floor area of such room. All windows and skylights shall be enclosed with glass and shall be provided with suitable devices to allow ventilation. Such windows or skylights shall be made to open readily to the extent of five (5%) percent of the floor area or a minimum of ten (10) square feet, whichever is greater.

b. Every bathroom and water closet compartment shall be provided with a sash window of not less than three (3) square feet in area which opens directly to the outer air. Such window shall be enclosed in glass and shall be provided with a suitable device to open readily to allow ventilation.

(R.O. 1966 § 15:4-22)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-7.1.

18:3-1.51. Artificial Ventilation.



Where natural ventilation is not provided in accordance with Section 18:3-1.50, every habitable room, water closet compartment and bathroom shall be ventilated by mechanical means. (R.O. 1966 § 15:4-23)

CROSS REFERENCE: For housing and zoning regulations (Certificate of Code Compliance) see Section 18:6-7.2.

18:3-1.52—18:3-1.56. Reserved.

18:3-1.57. Lighting and Electrical Receptacle Outlets.

a. *Lighting.* Every habitable room, bathroom, hall, water closet, compartment, laundry, and communicating corridor shall be equipped with lighting and every pantry, foyer, closet, and storage space shall be sufficiently illuminated by or equipped with safe artificial lighting service. All wiring and electrical facilities shall conform to all the regulations of the State Uniform Construction Code.

b. *Electrical Receptacle Outlets.* In every kitchen, dining room, breakfast room, living room, parlor, library, den, sun room, recreation room, and bedroom or sleeping room, receptacle outlets shall be installed so that no point along the floor line in any wall space is more than six (6) feet, measured horizontally, from an outlet in that space including any wall space two (2) feet wide or greater and the wall space occupied by sliding panels in exterior walls. The receptacle outlets shall, insofar as practicable, be spaced equal distances apart. Receptacle outlets in floor shall not be counted as part of the required number of receptacle outlets unless located close to the wall. At least one (1) outlet shall be installed for the laundry.

Outlets in other sections of the dwelling for special appliances such as laundry equipment, shall be placed within six (6) feet of the intended location of the appliance.

(R.O. 1966 C.S. § 15:4-24)

ARTICLE 7 Doorbells and Intercoms

18:3-1.58. Doorbells, Intercoms, Signaling Devices; When Required.

Every dwelling consisting of more than ten (10) dwelling units shall be equipped with doorbells, intercoms or other signaling device attached to the front exterior of the dwelling accessible to all visitors to the dwelling. The devices shall be installed and maintained so that a visitor may audibly signal each individual dwelling unit. (Ord. 6 S+FC, 11-21-94 § 1)

18:3-1.59—18:3-1.64. Reserved.

ARTICLE 8 Window Guards

18:3-1.65. Window Guards; When Required; Definitions.

a. *Responsibility of Owners.* The owner of any rented dwelling unit shall be required to install and maintain window guards on each window in every apartment, and in the public hallways of the rented dwelling in which a child who is at least six (6) months of age but no older than ten (10) years of age resides.

b. *Exclusion.* This requirement shall not require the owner to install the window guards on fire escapes, patios and other areas where a person may exit without falling more than six (6) feet.

c. *Definition.* As used in this Article:

Owner shall mean, the owner, lessee, agent or other person who manages or controls any rented building.

d. *Standard.*

1. General Installation Requirements.

(a) Window guards shall be installed in accordance with all applicable requirements of the State Uniform Construction Code, N.J.A.C. 5:23, and with manufacturer's instructions.

(b) Any window guard installed on an emergency egress window shall be releasable or removable from the inside without use of a key, tool, or excessive force. An emergency egress window is any window in a sleeping room located on the second or third floor, other than a window providing access to a fire escape.

(c) Any window guard installed on a window that is not an emergency egress window, including any window in a unit located above the third floor and any window in a room on the second or third floor that is not a sleeping room, shall be designed, constructed and installed so that it cannot be removed, opened or dislodged without the use of a key or tool.

2. Specifications for Window Guards.

(a) Window guards shall be so constructed as to reject the passage of a solid four (4) inch sphere at every space and interval.

(b) Window guards shall bear a one hundred fifty (150) pound load at a centerspan when extended to maximum width.

(c) Window guards shall be constructed of metal or of other material of comparable strength and durability. In order to avoid obstruction of light and air, the diameter or width of metal rods used in window guards shall not exceed one-half (1/2) inch.

(d) Window guards shall be designed, constructed and installed so as to serve their intended protective purpose without any risk of collapse, breakage, spreading of the bars or other malfunction.

(e) In a room, window guards shall be of at least a height sufficient to allow a total openable window area, for all windows in the room, of not less than four (4%) percent of the floor area of the room. In a public hallway, window guards shall protect the fullopenable area of each window.

(f) Window guards shall be securely fastened in order to bear the required load.

(g) All window guards shall be so designed and installed as to prevent the lower window from being raised four (4) inches or more above the lowest section of the top horizontal bar of the window guard. Where necessary, rigid metal stops shall be installed securely in the upper tracks of each side of the bottom window.

(h) Screws used to mount window guards and stopping devices should be:

(1) Minimum Size No. 10 and long enough to penetrate one (1) inch into a wooden window frame; or

(2) Of an adequate type, size, and length to be securely fastened to a metal window frame.

(i) The coating of window guards shall be unleaded.

(j) Window guards shall be installed only in sound (non-rotting) mountings or tracks.

(k) Window guards installed prior to the passage of this section shall be accepted as being in conformity with the specifications contained in this paragraph d,2 if they were installed in accordance with paragraph d,1 above.

3. Additional Specifications for Window Guards Other than Double Hung Windows.



(a) Window guards intended for casements, sliders and other types or combinations of windows in which the height of the openings is not subject to limitation, shall be of such size as to fill the entire aperture, and shall reject passage of a solid four (4) inch sphere at every space or interval.

(b) Except as otherwise provided in paragraph (c) below, sliding windows and vertical pivoting windows may be equipped with stopping devices in place of window guards as follows:

(1) For sliding windows, solid metal blocks, measuring at least one-half (1/2) the depth of the window track and one-half (1/2) the width, shall be securely fastened into the bottom and upper window tracks to prevent the window from opening four (4) inches or more.

(2) For vertical pivoting windows, metal stopping devices shall be securely fastened to the upper and lower window frames so as to prevent the window from pivoting open four (4) inches or more. The height of the stopping devices shall extend not less than one (1) inch nor more than two (2) inches beyond the window frame as needed to stop the window. The protruding edge of the stopping device shall be smooth and rounded.

(c) Use of such stopping devices in lieu of window guards shall be allowed within dwelling units only where they do not preclude meeting the requirement, as per N.J.A.C. 5:10-16.2, that the total openable window and/or openable skylight area in each room be equal to at least four (4%) percent of the floor area of the room.

e. *Penalty.* Anyone found to be in violation of this section shall be subject to a fine not to exceed one thousand (\$1,000.00) dollars, or to imprisonment for a term not to exceed ninety (90) days, or both.

(Ord. 6 S+FF, 11-16-87; Ord. 6 S+FR, 12-22-87 § 1; Ord. 6 S+FN, 4-5-00 § 1)

18:3-1.66—18:3-1.69. Reserved.

ARTICLE 9 Occupancy Standards and Room Size Requirements

18:3-1.70. Dwelling Units; Floor Area.

Every dwelling unit shall be occupied by persons composing not more than one (1) family and two (2) other persons. Every such unit shall provide, except as hereinafter set forth, habitable room floor area of one hundred fifty (150) square feet for one (1) person, two hundred fifty (250) square feet for two (2) persons, three hundred fifty (350) square feet for three (3) persons, four hundred fifty (450) square feet for four (4) persons, and seventy-five (75) square feet for each additional person. Babies less than one (1) year of age shall not be included. A family shall include only those persons who are within the relationship defined in this Housing Code as "related persons." (R.O. 1966 § 15:4-25)

18:3-1.71. Dwelling Rooms: Cubic Dimensions.

Every room used for sleeping purposes shall provide at least four hundred (400) cubic feet for each person twelve (12) years of age or over and two hundred fifty (250) cubic feet for each person under twelve (12) years of age. Babies under one (1) year shall not be counted as additional occupants. (R.O. 1966 § 15:4-26)

18:3-1.72. Sleeping Rooms: Floor Area.

Every room used for sleeping purposes shall have a minimum floor area of seventy-five (75) square feet for the first person, fifty (50) square feet for each additional person twelve (12) years of age and over, and thirty-five (35) square feet for each additional person under twelve (12) years but over one (1) year of age. Babies one (1) year and under shall not be counted as additional occupants. (R.O. 1966 § 15:4-27)

18:3-1.73. Sleeping or Habitable Rooms: Minimum Height.



No room shall be used as a sleeping or habitable room unless there is a clear height from finished floor to finished ceiling of not less than seven and one-half (7 1/2) feet except that in attics and top half-stories, the height shall be not less than seven and one-third (7 1/3) feet over not less than one-third (1/3) of the area of the floor when used for sleeping, study or similar activity. (R.O. 1966 § 15:4-28)

18:3-1.74. Floor Area and Cubic Foot Calculation.

Floor area shall be calculated on the basis of habitable area. Closet area and hall area, where provided within the dwelling unit, may count for up to ten (10%) percent of the required habitable floor area. No part of a room shall be included in calculations for purposes of determining habitable area which has a floor-to-ceiling height of less than four and one-half (4 1/2) feet. (R.O. 1966 § 15:4-29)

18:3-1.75. Cellar Occupancy for Sleeping Prohibited.

The use of a cellar for sleeping purposes is prohibited. (R.O. 1966 § 15:4-30)

18:3-1.76. Basement Occupancy.

A basement may be used for sleeping, cooking or eating purposes providing:

a. All applicable provisions of the ordinances of the City and the State Hotels and Multiple Dwellings laws are met. For the enforcement of this Article all of the provisions shall be deemed incorporated herein and made part thereof.

b. There is a ready means of egress to the exterior of the building from the dwelling unit or rooming unit through two (2) accessible doors, one of which may provide direct egress into a common areaway, hall or corridor which has an accessible door providing a direct means of egress to the exterior of the building.

c. There is a fireproof partition or wall completely separating any boiler or furnace unit from the dwelling unit or rooming unit.

(R.O. 1966 § 15:4-31)

18:3-1.77. Gas Appliances Prohibited in Sleeping Rooms; Exceptions.

Installation, use and operation of gas burning appliances is prohibited in any room used for sleeping purposes, except that gas appliances which employ a sealed combustion system, the inlet and outlet of which communicate with the outside air, and a single one-plate gas burner which is permanently connected by rigid pipe to the source of gas supply in accordance with the State Uniform Construction Code, are permitted in any sleeping room. (R.O. 1966 § 15:4-32)

Editor's Note: This reference was originally to Title XIX, Plumbing Code, which has been repealed by the State Uniform Construction Code.

18:3-1.78—18:3-1.82. Reserved.

ARTICLE 10 Janitorial Service

18:3-1.83. Service Required.

In every dwelling consisting of more than three (3) dwelling units, the owner shall at all times keep the premises free from filth, refuse or other waste materials, as more particularly set forth in subsection 18:3-1.6 of this Housing Code, or he/she may provide or designate a janitor, caretaker or housekeeper to do so. The owner or such designated person shall collect the garbage and refuse from the occupants and place the same for collection, according to the provisions of Sections 15:4-9 et seq. of these Revised General Ordinances. The failure of the person so designated to comply with the provisions herein, even in

disobedience of instructions, shall not relieve the owner from any of the responsibilities or obligations imposed upon the owner by this Housing Code. (R.O. 1966 § 15:4-33)

CROSS REFERENCE: For occupants responsibilities to keep premises clean, see Section 18:4-1.2.

18:-3-1.84—18:3-1.88. Reserved.

ARTICLE 11 Suspension of Services or Utilities

18:3-1.89. Suspension Prohibited.

a. No owner or operator shall cause any service, facility, equipment or utility, which is required to be supplied by the provisions of this Housing Code, or is required to be supplied by the provisions of any lease or agreement, to be removed from or shut off from, or discontinued for any occupied dwelling unit or rooming unit, except for necessary repairs, alterations or emergencies, or for such other reason as may be permitted pursuant to the provisions of these ordinances or any other statute applicable to such utility, facility or equipment.

b. For the purpose of this subsection, whenever a dwelling or multiple dwelling is furnished with elevators, air conditioners, boilers, radiators, risers, returns, electrical and plumbing or any other particular facility or equipment, such furnishings shall constitute prima facie evidence of an implied contract under which the owner has contracted to supply such facility or equipment to the occupants.

c. A complaint shall be instituted in the Municipal Court for the violation of this Article when the owner or operator shall fail to abate violations of this Article after being duly notified of the violations and after being allowed forty-eight (48) hours to abate the violations.

d. Any owner or operator who shall fail to provide elevator service when required pursuant to this Article shall, upon conviction, be punished by a fine of not less than one hundred (\$100.00) dollars but no more than one thousand (\$1,000.00) dollars for each day that the owner or operator is found to be in violation of this Article.

e. Moreover, any owner or operator who is convicted of violating this Article within one (1) year of the date of a previous violation of the same ordinance, and who was fined for the previous violation shall be deemed by the Municipal Court as a repeated offender and shall be punished by one (1) or more of the following penalties: 1) a fine not exceeding one thousand (\$1,000.00) dollars, 2) imprisonment for any term not exceeding ninety (90) days, or 3) a period of community service not exceeding ninety (90) days. The additional fine imposed by the Municipal Court upon a person for a repeated offense shall not be less than the minimum fine fixed by a violation of this Article but shall be calculated separately from the fine imposed for the violation of the Article, as prescribed by State Statute (P.L. 1989, Chapter 114).

(R.O. 1966 § 15:4-34; Ord. 6 S+FL, 10-1-86; Ord. 6 S+FE, 9-15-99 § 1)

18:3-1.90—18:3-1.94. Reserved.

ARTICLE 12 Ownership Information for All Rented Dwelling Units and Businesses Within the City

18:3-1.95. Owner to Post Information.

It shall be the responsibility of the owner of a building, any part of which is leased or rented as a dwelling unit or business, to post permanently and prominently in view in the common area nearest the principal entrance to the building an Ownership Notice which shall contain the following information:

a. If the owner is the sole proprietor:



1. The name, address, and telephone number of the owner, or
2. The name, address, and telephone number of the person designated as the owner's agent who shall have the authority to authorize and provide for emergency repairs of the building.

b. If the owner is a partnership, corporation or other business entity or the successor, assignee, executor, or administrator of any of the abovementioned types of owners:

1. The name, address and telephone number of the agent for the service of process, and
2. The name, address and telephone number of the person designated as the owner's agent who shall have the authority to authorize and provide for emergency repairs to the building.

(R.O. 1966 C.S. § 15:4-35; Ord. 6 S+FG, 9-2-87 § i)

18:3-1.96. Ownership Notice.

a. No person shall lease or rent a dwelling unit or business in the City of Newark without first obtaining an Ownership Notice from the Department of Neighborhood and Recreational Services and the Division of Tax Abatement and Special Taxes.

b. The form of the Ownership Notice shall be developed by the Department of Neighborhood and Recreational Services and provide for the information identified in Section 18:3-1.95.

c. There will be no fee for the securing of the initial Ownership Notice. Thereafter a five (\$5.00) dollar fee will be charged for the replacement of an existing Ownership Notice.

d. The owner of any rented or leased dwelling unit or business within the City of Newark shall have a continuing obligation to obtain and post a new Ownership Notice wherever there is a change of ownership or incorrect information on the Ownership Notice.

e. *Violations and Penalties.* Any person who violates any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding one hundred (\$100.00) dollars.

(Ord. 6 S+FG, 9-2-87 § 2)

18:3-1.97—18:3-1.100. Reserved.

ARTICLE 13 Emergency Service Plan

18:3-1.101. Emergency Service Plan; Owner Responsibility; Filing of Plan; Responsibility for Maintenance; Hearing; Penalty.

a. *Owner to File Emergency Service Plan.* The owner of any residential building with forty (40) residential units or more shall file with the Director of the Department of Neighborhood and Recreational Services in the City of Newark a plan for the provision of emergency services for his/her residential building located in the City of Newark. This plan shall contain the following information:

1. In buildings where elevator service exists a description of the procedure for supplying elevator service when it appears that any elevator must be taken out of service for repairs or replacement. The name, address and telephone number of an elevator repair service company that has agreed to effectuate repairs for any elevator that has been in use shall appear in the Plan. The Plan shall contain provisions for the yearly examination and evaluation of every elevator by any authorized repair service for the purpose of detecting and replacing any defective parts and to effectuate any changes on the elevator to comply with the appropriate construction and fire codes of the State of New Jersey.

2. (a) A description of the procedure for supplying heat and hot water whenever a boiler(s) or radiator(s), risers and other heating equipment is in need of repair or replacement.



(b) The name, addresses and telephone numbers of the boiler or plumbing repair service company that has agreed to effectuate repairs for any boiler, risers, radiators or other heating equipment in the building shall appear in the Plan.

(c) The Plan shall contain provisions for the yearly examination and evaluation of the boiler and all heating equipment for the purposes of detecting and replacing any defective parts and to effectuate any changes in the heating system to comply with the appropriate laws of the State of New Jersey and the ordinance of the City of Newark.

3. (a) A description of the procedure for repairing any openings allowing water leaks into any housing units caused by broken pipes or damaged roofs, gutters, windows or siding on or in the building.

(b) The names, addresses and telephone numbers of the repair companies that have agreed to repair such leaks including leaks in the roof shall appear in the Plan.

(c) The Plan shall contain provisions for the yearly examination and evaluation of the roof, gutters and siding of the building in order to replace defective parts and to effectuate repairs mandated by the laws of the State of New Jersey and ordinances of the City of Newark.

4 (a) A description of the procedure for maintaining smoke detectors, fire extinguishers and other safety equipment that may be in need of repair or replacement.

(b) The name, addresses and telephone numbers of the service companies that agreed to effectuate repairs for any smoke detectors, fire extinguishers or other safety equipment in the building shall appear in the Plan.

(c) The Plan shall contain provisions for the yearly examination and evaluation of the safety equipment for the purpose of detecting and replacing any defective parts and to effectuate any changes in the safety equipment to comply with the appropriate laws of the State of New Jersey and the ordinance of the City of Newark.

b. Owner to Maintain Services.

1. It shall be the responsibility of the owner to maintain the ability to provide the emergency services described herein.

2. The Plan referred to herein shall contain copies of contracts renewable yearly entered into by the landlord to provide the emergency repairs and emergency services referred to herein.

3. The Plan referred to herein shall be filed by the owner with the Director of the Department of Neighborhood and Recreational Services by June 1, 1994, and it shall be amended by the owner whenever a repair service company informs the owner that it will not continue to provide emergency service or whenever the contract provided for any such service expires. The owner shall amend the Plan by providing a copy of a new contract for emergency service to the Director whenever an existing contract expires or any service company refuses to continue to provide such service.

c. Comments on the Effectiveness of any Plan.

1. The owner shall request tenants and the elected leaders of tenant associations that live in his/her residential apartment building to comment in writing on the effectiveness of the emergency services described in his/her Plan. Copies of such comments may be filed with the Director of the Department of Neighborhood and Recreational Services.

d. Hearing.

1. Any tenant may request a hearing before the Director of the Department of Neighborhood and Recreational Services to discuss the effectiveness of any Plan that pertains to a building where that tenant



lives. The owner shall be invited to any such hearing as well as the Construction Code Official for the City of Newark or his/her representative.

2. After a hearing, if the Director of the Department of Neighborhood and Recreational Services determines based on credible evidence that the Plan as submitted and amended will not provide effective service, the Director may declare that the Plan is invalid, and in that event the owner shall submit a revised plan within ten (10) days of the Director's decision.

e. *Penalty.* Any person who fails to file a plan or violates any of the provisions of this subsection shall by conviction be subject to one (1) or more of the following penalties:

1. A fine not less than one hundred (\$100.00) dollars and not to exceed one thousand (\$1,000.00) dollars; or
2. Imprisonment for any term not to exceed ninety (90) days; or
3. A period of community service not to exceed ninety (90) days.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 6 F+FG, 4-6-94 § 1)

18:3-1.102—18:3-1.105 Reserved.

ARTICLE 14 Owners of Multiple Dwellings Required to Have Superintendent Available at All Times

18:3-1.106. Superintendent; When Required; Registration.

a. *Responsibility of Owners.* The owner of any rented multiple dwelling unit shall be required to have a building superintendent available on the premises at all times.

b. *Owner to Register Name of Superintendent.* It shall be the responsibility of the owner of a multiple dwelling unit, any part of which is leased or rented, to register the name of the building superintendent with the Office of the City Clerk upon forms prescribed by and furnished by the City of Newark.

c. *Definitions.* As used in this section:

Owner shall mean, the owner, lessee, agent or other person who manages or controls any rented dwelling.

Multiple dwelling shall mean any building or structure and land appurtenant thereto containing three (3) or more apartments or rented or offered for rent to three (3) or more tenants or family units.

d. *Penalty.* Anyone found to be in violation of this subsection shall, upon conviction, be fined in the amount of one hundred (\$100.00) dollars, or in an amount not to exceed one thousand (\$1,000.00) dollars, or by imprisonment for a term not to exceed ninety (90) days or both.

(Ord. 6 S+FA, 10-21-92)

18:3-1.107—18:3-1.109. Reserved.

ARTICLE 15 Owners of High-Rise Residential Structures Required to Equip, Install and Maintain all Smoke Barrier Single Doors with Wire Rated Glass Windows

18:3-1.110. Findings.

Pursuant to N.J.S. 52:27D-202, the Municipal Council of the City of Newark, is authorized to adopt an Ordinance dealing with fire safety. This Governing Body, by this Article, desires to establish fire safety standards by setting forth requirements for owners of high-rise residential structures. (Ord. 6 S+FG, 11-18-96)

18:3-1.111. Definitions.

As used in this Article:

Enforcing Agency shall mean the department, a municipal or County department or agency, or a Fire District which has been authorized by Municipal Ordinance to enforce the Uniform Fire Safety Act.

High-rise structure shall mean a building or structure having floors used for human occupancy located either more than six (6) stories or more than seventy-five (75) feet (22860mm) above the lowest level accessible to a Fire Department vehicle.

Owner shall mean a person who owns, purports to own, manages, rents, leases or exercises control over a building, structure or premises.

(Ord. 6 S+FG, 11-18-96)

18:3-1.112. Responsibility of Owners.

The owner of any high-rise residential structure shall be required to equip, install and maintain all smoke barrier single doors with wire rated glass windows. (Ord. 6 S+FG, 11-18-96)

18:3-1.113. Enforcement by Municipality.

The Municipal Council designates the City of Newark Fire Department and the Fire Subcode Official to locally enforce this Article. (Ord. 6 S+FG, 11-18-96)

18:3-1.114. Standards.

a. Single doors in smoke barriers shall have a fire resistance rating of not less than twenty (20) minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency. Single egress corridor doors shall have vision panels of one-quarter (1/4) inch thick labeled wire glass mounted in approved steel frames. Such panels may also be provided in other doors in smoke barriers. The glass area of the vision panels shall be limited to one thousand two hundred ninety-six (1,296) square inches for each door. The doors shall close the openings with only the clearance necessary for proper operation under self-closing or automatic closing and shall be without undercuts, louvers or grilles. Rabbits or astragals are required at the meeting edges of single egress doors, and stops are required on the head and jambs of all doors in smoke barriers. Positive latching devices are not required on single egress corridor doors, and center mullions are prohibited.

b. Single doors in smoke barriers shall be self-closing or shall be provided with approved door hold-open devices of the fail-safe type which shall release the doors causing them to close upon the actuation of smoke detectors as well as upon the application of a maximum manual pull of fifty (50) pounds against the hold-open device.

c. An approved damper designed to resist the passage of smoke shall be provided at each point a duct penetrates a smoke barrier. The damper shall close upon detection of smoke by an approved smoke detector located within the duct.

(Ord. 6 S+FG, 11-18-96)

18:3-1.115. Penalty.



Anyone found to be in violation of this Article shall, upon conviction, be fined a minimum of one hundred (\$100.00) dollars per day or in an amount not to exceed one thousand (\$1,000.00) dollars. (Ord. 6 S+FG, 11-18-96)

ARTICLE 16 Rooming Houses

Editor's Note: As rooming houses are licensed and regulated by the State Department of Community Affairs, Bureau of Rooming and Boarding Houses, § 15:6 and § 15:7 of the R.O. 1966 of the City of Newark which pertained to the licensing and regulation of rooming houses, are deleted.

CHAPTER 4 OCCUPANTS: RESPONSIBILITIES UNDER THIS HOUSING CODE.

18:4-1. OCCUPANTS RESPONSIBILITIES.

For responsibility of owners, see Section 18:3-1.

18:4-1.1. Compliance with Chapter Required.

It shall be the responsibility of the occupants to comply with the provisions of this chapter, except as otherwise provided in this Housing Code. (R.O. 1966 § 15:5-1)

18:4-1.2. Clean and Sanitary Conditions.

The occupant shall keep that portion of the premises over which he/she has possession or control in a clean and sanitary condition. (R.O. 1966 § 15:5-2)

18:4-1.3. Waste Disposal.

The occupant shall, in accordance with Sections 15:4-9 et seq. of this Code, dispose of ashes, garbage, combustible rubbish and noncombustible rubbish in suitable receptacles, cans or barrels, and, after such disposal therein, shall place a cover thereon. He/she shall not accumulate any of the waste materials set forth herein on the portion of the premises over which he/she has possession or control. (R.O. 1966 § 15:5-3)

CROSS REFERENCE: For responsibilities of supplying receptacles and janitorial services, see Section 15:4-9 and Section 18:3-1.83.

18:4-1.4. Vermin Extermination.

Every occupant of a dwelling containing only one (1) dwelling unit shall be responsible for the extermination of any rodents, vermin or other pests in or on the premises. Every occupant of a dwelling unit or rooming unit in a building containing more than one dwelling unit or rooming unit shall be responsible for such extermination only whenever his/her dwelling unit or rooming unit is the only one infested, except that whenever such infestation is caused by the failure of the owner or operator to carry out the provisions of Sections 18:3-1.2 to 18:3-1.9 inclusive, of this Housing Code, extermination shall be the responsibility of such owner or operator. (R.O. 1966 § 15:5-4)

CROSS REFERENCE: For provisions pertaining to vermin control, see Chapter 16:20 of these Revised General Ordinances. For owner's responsibility, see Section 18:3-1.7.

18:4-1.5. Malicious Damage.

Editor's Note: For State Statute pertaining to malicious damage, see N.J.S. 2A:122-1 et seq. and 2A:170-36 et seq.

Every occupant shall be responsible for willfully or maliciously causing damage to any part of the premises. (R.O. 1966 § 15:5-5)

CROSS REFERENCE: For prohibition against malicious mischief, generally, see Section 20:2-15 of this Code.

18:4-1.6. Use of Fuel.

No occupant shall use any fuel in such a way that its combustion creates soot causing discoloration of the sidewalls and ceilings of any part of the dwelling. (R.O. 1966 § 15:5-6)

18:4-1.7. Maintenance of Screens.

The occupant shall maintain screens for all doors, windows and other openings to the exterior of the dwelling in good and serviceable condition so that the interior thereof shall be free of infestation. (R.O. 1966 § 15:5-7)

18:4-1.8. Maintenance of Floors.

The occupant shall so maintain or cover all floors of his/her dwelling unit or rooming unit as to be water resistant. (R.O. 1966 § 15:5-8)

18:4-1.9. Maintenance of Plumbing.

The occupant shall maintain all plumbing fixtures used by him/her in a clean and sanitary manner. (R.O. 1966 § 15:5-9)

18:4-1.10. Kitchen Facilities Prerequisite to Occupancy.

No occupant shall occupy any dwelling unit unless it shall contain, as part of the separate, self contained cooking facilities, facilities for refrigeration and storage of food in a sanitary manner, and an enclosed, washable permanent container for disposal of refuse. (R.O. 1966 § 15:5-10)

18:4-1.11. Conformity with Other Standards Prerequisite to Occupancy.

No occupant shall occupy or continue to occupy any habitable room or dwelling unit which does not conform to the minimum standards as set forth in Section 18:3-1 of this Housing Code, including but not limited to the occupancy standards, heating facilities, hot and cold water facilities, kitchen, bathroom and lavatory, light, ventilation and electrical requirements. (R.O. 1966 § 15:5-11)

18:4-1.12. Occupant Supplying Heat and Hot Water.

Any occupant who has undertaken by way of contract to supply his/her own heat and hot water by means of a furnace or boiler which also supplies heat and hot water to parts of the premises occupied by other occupants, shall be subject to the provisions of Sections 18:3-1.19 and 18:3-1.28 of this Housing Code as if he/she were to that extent an owner. (R.O. 1966 § 15:5-12)

18:4-1.13. Suspension of Services or Utilities.

No occupant shall cause any service, facility, equipment or utility, which is required to be supplied by the provisions of this Housing Code, to be removed from or shut off from, or to be discontinued for any occupied dwelling unit or rooming unit, except for necessary repairs, alterations or emergencies, or for such other reason as may be permitted pursuant to those provisions of this Code applicable to such utility. (R.O. 1966 § 15:5-13)

CROSS REFERENCE: For similar prohibition against owners, see Section 18:3-1.89.

18:4-1.14. Maintenance of Heating and Hot Water Equipment.

An occupant shall keep in good repair and operating condition all heating and hot water equipment supplied by him/her and under his/her control. (R.O. 1966 § 15:5-14)

18:4-1.15. Responsibility of Adult Occupants for Acts of Minors.

Adult members of the family shall be responsible and liable for any violation of Sections 18:4-1.2, 18:4-1.3, 18:4-1.5 to 18:4-1.9 inclusive of this chapter caused by minors occupying the same unit, if the violations were created with the knowledge, acquiescence or consent of the adult member. A "family" shall include only those persons who are within the relationship defined in this Housing Code as "related persons." (R.O. 1966 § 15:5-15)



CHAPTER 5 SECURITY

Article 1 Housing Guards

18:5-1. HOUSING UNIT GUARDS.

Editor's Note: Prior ordinance history includes portions of R.O. 1966 C.S. 15:13-1–15:13-3 and Ordinance Nos. 6 S+FF, 1-15-86; 6 S+FR, 1-3-90; 6 S+FR, 4-18-90; 6 S+FE, 3-6-91; 6 S+FI, 10-16-91; 6 S+FE, 7-11-01.

18:5-1.1. Armed Security Guard Required.

a. Except as otherwise provided all owners/developers of public and private buildings operating a building unit in the City of Newark which contains over one hundred (100) housing units (defined as one hundred (100) certificates of occupancy under one (1) ownership entity within a one (1) or two (2) block radius) shall be required to have present on the premises an armed security guard for eight (8) hours per day, and an unarmed security guard for the remaining sixteen (16) hours per day, during each day of the year. In the event that no one building entrance has access to one hundred (100) housing units, then the security guard shall be required to patrol the entire complex and provide adequate proof of the regular patrol of the entire premises. The provisions of this section shall apply to any dwelling unit which is a condominium, development or any rental or condominium building with units each having an individual exterior entrance. Housing units which are situated on the grounds of hospitals, regularly patrolled by a security force and wherein such grounds are revisited by a security patrol at least once per hour shall be exempt from the requirement of maintaining an armed security guard on the premises.

The determination of one hundred (100) or more housing units shall be made based on building plans and original certificates of occupancy issued by the City of Newark. Any attempt to reduce the number of certificates of occupancy in a building having been determined to be a building with one hundred (100) housing units or more shall be considered a violation of this chapter punishable by a fine of up to five hundred (\$500.00) dollars per day for each day the owner/operator is found to be in violation of this chapter.

This subsection supersedes any prior ordinances pertaining to building security requirements.

b. All public and private housing buildings in the City of Newark which contain over one hundred (100) housing units and which are Senior Citizens housing buildings shall be required to have present on the premises an unarmed security guard for twenty-four (24) hours each day of the week.

(Ord. 6 PSF-D, 4-1-09 § 1; Ord. 6 PSF-C, 3-16-11)

18:5-1.2. Definitions.

As used in this section:

Armed security guard shall mean a uniformed guard armed with a handgun who is a Newark Police Officer, Newark Special Police Officer or an employee of a licensed security officer company.

Unarmed security guard shall mean a uniformed Newark Special Police Officer or a uniformed employee of a licensed security officer company who is not armed with a handgun.

(Ord. 6 PSF-D, 4-1-09 § 1)

18:5-1.3. Compliance with Security Officer Registration Act, N.J.S.A. 45:19A-1 et seq.

All Newark Police Officers, Newark Special Police Officers and employees of licensed security officer companies shall comply with the requirements as set forth in the Security Officer Registration Act, N.J.S.A. 45:19A-1 et seq. where applicable. (Ord. 6 PSF-D, 4-1-09 § 1)

18:5-1.4. Penalty.

Violations of this Article by any person or corporation shall be punishable by a fine of at least one hundred (\$100.00) dollars but not exceeding one thousand (\$1,000.00) dollars or by imprisonment for a term not exceeding ninety (90) days or by a period of community service not to exceed ninety (90) days. Each day's violation of this chapter shall constitute a separate offense. (Ord. 6 PSF-D, 4-1-09 § 1)

Article 2 Surveillance Cameras

18:5-1.5. Video Surveillance Cameras in Buildings Containing Parking Lots.

All public and private housing buildings in the City of Newark, New Jersey which contain parking lots or parking garages for thirty (30) or more vehicles shall be required to install and maintain on the premises video surveillance cameras which shall be in a state of good repair and operating condition on a twenty-four (24) hour per day, seven (7) days per week basis. Said video surveillance cameras shall be positioned in such a manner as to reasonably cover the entire parking lot/parking garage and all driveways and ramps. (Ord. 6 PSF-C, 3-16-11)

18:5-1.6. Maintenance and Retention of Video Tapes.

The owner/operator of such public or private housing buildings shall be required to keep and maintain on the premises the video tapes for a period of sixty (60) days. (Ord. PSF-C, 3-16-11)

18:5-1.7. Penalty.

Any owner/operator who shall fail to provide and maintain video surveillance cameras in accordance with the provisions herein shall, upon conviction, be punished by a fine of not less than five hundred (\$500.00) dollars for each day the owner/operator is found to be in violation of this chapter. (Ord. 6 PSF-D, 4-1-09 § 1; Ord. 6 PSF-C, 3-16-11)

CHAPTER 6 HOUSING AND ZONING REGULATIONS (CERTIFICATE OF CODE COMPLIANCE)

18:6-1. GENERAL ADMINISTRATIVE PROVISIONS; WORD USAGE.

18:6-1.1. Title.

This chapter shall be known as "The Housing and Zoning Regulations of the Department of Neighborhood and Recreational Services, of the City of Newark." (Ord. 6 S+FA, 2-21-90 § 15:1-2.1)

18:6-1.2. Purpose.

The purpose of these regulations is to establish standards for the issuance of a Certificate of Code Compliance. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:1-2.1)

18:6-1.3. Definitions.

As used in this chapter:

Accessory structure shall mean a structure located on the same premises and the use of which is incidental to that of the main building.

Basement shall mean the portion of the building which is partly underground and which has more than one-half (1/2) of its height, measured from clear floor to ceiling, above the average adjoining ground level.

Cellar shall mean the lowermost portion of the building partly or totally underground, having half or more of its height measured from clear floor to ceiling below the average adjoining ground level.

Central heating system shall mean a system whereby heat is furnished from a central source of supply by a heat producing mechanism or device which is completely separated from those parts of the dwelling to which heat is supplied.

Director shall mean the Director of the Department of Neighborhood and Recreational Services, or such other City official or officials as he/she shall designate to act in his/her behalf.

Dwelling shall mean any structure which is used or is intended, arranged or designed for use by human occupants for living or sleeping purposes, whether occupied or vacant, inclusive of dwelling units and rooming units as defined herein.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or designed for living, sleeping, cooking and eating, bathing and toilet purposes.

Extermination shall mean the control and elimination of infestation.

Infestation shall mean household pests, vermin, rodents, insects, nesting places and conditions of nesting.

Manager, Division of Tax Abatement and Special Taxes shall mean the Manager of the Division of Tax Abatement and Special Taxes in the Department of Finance.

Owner shall mean any person who has legal title to any dwelling.

Plumbing shall mean and include gas pipes and provided gas burning equipment, heaters and tanks or boilers for hot water, waste pipes, water pipes, waterclosets, sinks, lavatories, furnaces for steam; heat and other heating appliances, bathtubs, shower-baths, catchbasins, drains, vents, water-cooled air conditioning systems, and any other provided features, together with the connection to the water, sewer or gas lines.

Premises shall mean land and buildings, and structures thereon.



Utilities shall mean gas service and equipment therefor; electric service and equipment therefor; water supply, including hot water, and equipment therefor; heat and equipment therefor; refrigeration services and equipment therefor; and house-bell system and equipment therefor.

Water-closet shall mean a toilet.

Water-closet compartment shall mean an enclosed space containing one (1) or more toilets or one (1) or more urinals, and other plumbing appliances.

(Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:1-3.1)

18:6-2. GENERAL CONDITIONS OF PREMISES.

18:6-2.1. Compliance with Regulations Required.

It shall be the responsibility of the owner to comply with the provisions of these regulations. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-1.1)

18:6-2.2. Conditions in Good Repair.

Every dwelling and every part thereof shall be in a state of sound repair and in a clean and sanitary condition. (Ord. 6 S+FA, 2-21-90 § 15:4-2.1)

18:6-2.3. Freedom from Hazards.

The premises under the control of the owner shall be free from conditions which constitute a hazard to health or safety. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-3.1)

18:6-2.4. Interior Painting, Plastering and Papering.

Sidewalls, window frames, doors and other woodwork, ceilings of every habitable room, bathrooms, water-closet compartments, pantries, laundries, foyers, halls, corridors, closets and compartments within a dwelling shall be sufficiently painted, plastered and papered so that the same shall have a clean and washable surface. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-4.1)

18:6-2.5. Weather and Water Tightness.

All roofs, gutters, leaders, drains, side walls, windows, window frames, doors and other parts of a dwelling shall be structurally sound and reasonably free from evidences of apparent defects. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-5.1)

18:6-2.6. Freedom from Filth, Refuse or Other Accumulations.

a. *Exterior.* The exterior areas of the premises and accessory structures shall be free from filth, ashes, rubbish, refuse, junk, slop, wood, paper or other materials.

b. *Interior.* All common areaways, stairways, halls, attics, cellars or basements or other parts of the dwelling shall be free from filth, ashes, rubbish, refuse, junk, slop, wood, paper or other materials.

c. *Drainage.* All premises shall be so drained as to prevent any accumulation of water thereon. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-6.1)

18:6-2.7. Elimination of Insects, Vermin and Rodents.

All premises shall be free from infestation and sources of infestation and, when discovered, the same shall be exterminated forthwith. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-7.1)

18:6-2.8. Doors and Window Screens.



Doors, windows and other openings to the exterior of the dwelling shall have screens in good condition. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-8.1)

18:6-2.9. Structural Soundness and Safety of Dwelling.

- a. Foundation walls shall be in good repair and be structurally sound.
- b. The siding, walls, roofs, stairs, porches, balconies and other structural parts of the building shall be in good repair, structurally sound and free from evidence of deterioration.
- c. All porches, landings, balconies and stairs shall be provided with banisters, railings or other protection, properly designed to minimize the hazard of falling.
- d. Except where already paved, the floors of basements and cellars shall be paved with stone or cinder concrete.
- e. All exterior surfaces not inherently resistant to decay shall be painted or otherwise provided with a protective coating sufficient to prevent structural deterioration.

(Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-9.1)

18:6-3. HEATING FACILITIES.

18:6-3.1. Heating Facilities Required.

All habitable rooms, bathrooms and water-closet compartments shall be heated by central heating or, in lieu thereof, by a system vented by flue stacks to accommodate permanent heating fixtures or apparatus, except where heating is by electrical energy, in which case no flue stacks shall be required. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-10.1)

18:6-3.2. Central Heating System Approval; Location.

- a. All central heating systems shall be of a type approved by the Chief Inspector of the Bureau of Fire Prevention and Fire Safety Division of Fire Prevention and Life Safety. See Chapter 11.
- b. The central heating system shall be located in an area or space which is ventilated and completely separated by fire retarding walls or partitions, and which area or space shall contain means of ingress and egress in accordance with the laws, ordinances and regulations of the City pertaining to fire prevention and safety.

(Ord. 6 S+FA, 2-21-90 § 15:4-11.1)

18:6-3.3. Electrical Devices for Heating.

Any permanent heating system using electricity as a source of heat shall conform to all the regulations of the Uniform Construction Code. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-12.1)

18:6-3.4. Heating Facilities in Good Operating Condition.

The chimneys, smokestacks, smokepipes and flues, other pipes, the heating equipment, furnaces and boilers in the dwelling shall be free of defects and in good operating condition. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-13.1)

18:6-4. HOT AND COLD WATER: INSTALLATION AND CONDITION.

18:6-4.1. Hot and Cold Water Facilities.

All sinks, basins, showers and baths shall have supplied hot and cold running water. All toilets, urinals and water closets shall have supplied cold running water in adequate quantity to provide a minimum rate of flow of such water at any faucet or fixture of not less than one (1) gallon per minute. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-15.1)



18:6-4.2. Hot Water Heating Equipment.

The hot water storage tanks and hot water pipes shall be free from leaks and other defects. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-16.1)

18:6-5. KITCHEN FACILITIES.

18:6-5.1. Facilities Required.

Each dwelling unit shall have a separate, self-contained cooking facility which contains:

a. A kitchen sink in good working condition, having an attached drainboard. Such sink shall be properly connected to a water and sewer system in accordance with all applicable codes.

b. Ventilation sufficient to remove all odors to the exterior of the premises.

(Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-18.1)

18:6-6. BATHROOM AND LAVATORY FACILITIES.

18:6-6.1. Required Facilities; Privacy and Accessibility.

Each dwelling unit shall contain a flush water closet, lavatory basin and a shower or bath. Such facilities shall be located in a separate room affording privacy to persons using the facilities and shall be accessible to any persons using the facilities directly from within the dwelling unit. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-19.1)

18:6-6.2. Connection to Water and Sewer Line.

The facilities shall be connected through pipes to a water and sewer system in accordance with all applicable codes, and shall be free from leaks or other defects. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-20.1)

18:6-7. LIGHT, VENTILATION AND ELECTRICAL FACILITIES.

18:6-7.1. Natural Ventilation.

Every habitable room shall be provided with a window or skylight which opens directly to the outer air. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-22.1)

18:6-7.2. Artificial Ventilation.

Where natural ventilation is not provided, every habitable room, water closet compartment and bathroom shall be ventilated by mechanical means. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-23.1)

18:6-7.3. Lighting.

Every habitable room, bathroom, hall, water closet, compartment, laundry, and communicating corridor shall be equipped with, and every pantry, foyer, closet, and storage space shall be sufficiently illuminated by or equipped with, safe artificial lighting service. All wiring and electrical facilities shall conform to all the regulations of the Electrical Bureau of the City. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 15:4-24.1)

18:6-8. SIDEWALKS; PAVED AREAS AND EXTERIOR AREAS; DEBRIS AND BRUSH.

18:6-8.1. Maintenance of Sidewalks and Driveways.

Every curb, sidewalk, driveway and paved area on the premises or in front of the premises shall be well and sufficiently paved and maintained in good repair. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 22:3-1.1)

18:6-8.2. Unpaved Areas.

The unpaved portions surrounding the premises shall be properly graded and neatly and sufficiently covered and maintained with gravel, broken stone screenings, grass or sodding. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 22:3-7.1)

18:6-8.3. Brush, Weeds, Obnoxious Growth, Waste and Debris.

The premises surrounding any residence in the City shall be free of brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, solid waste, refuse, debris and discarded items of any nature. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 22:3-7.2)

18:6-9. ZONING.

18:6-9.1. Compliance with Zoning Regulations.

Every dwelling shall be in compliance with the Zoning Ordinance of the City of Newark, Section 40:1-1 et seq. (Ord. 6 S+FG, 12-6-89; Ord. 6 S+FA, 2-21-90 § 27:1-1.1)



CHAPTER 7 OTHER HOUSING REGULATIONS

18:7-1. REGULATION OF MULTI-FAMILY BUILDINGS: REGISTRATION; ABATEMENT OF NUISANCES AND CORRECTIVE ACTION.

Editor's Note: For State Statute authorizing a municipality to require registration and provide for regulation as set forth in this section, see N.J.S. 40:48-2.12a et seq.

ARTICLE 1 Registration

18:7-1.1. Registration Required; Exemption.

a. No person shall own, operate or manage any building or structure in the City which is intended, arranged, or designed for occupancy by three (3) or more families, whether occupied or vacant, without first registering with the City Clerk, upon forms prescribed and provided by the City Clerk.

(R.O. 1966 § 15:10-1)

18:7-1.2. Registration Form: Contents.

The registration form, referred to in Section 18:7-1.1, shall include the name and address of the owner, the name and address of the lessor if other than the owner, and the name and address of an agent in charge of the premises residing in the City of Newark. (R.O. 1966 § 15:10-2)

18:7-1.3—18:7-1.5. Reserved.

ARTICLE 2 Registration of Furnished Dwelling Units

18:7-1.6. Operation Without Prior Registration Prohibited.

No person shall as an operator conduct or operate, or cause to be conducted or operated, or as an owner who is not also an operator, knowingly allow others to conduct or operate on premises owned by him/her, any multiple dwelling containing three (3) or more furnished dwelling units without first registering with the Director of the Department of Neighborhood and Recreational Services on forms provided by him/her for such purposes, the address of the multiple dwelling and the number of furnished dwelling units available for use as of the date of registration. (R.O. 1966 C.S. § 15:10-2.1)

18:7-1.7. Copy Sent to Board of Adjustment.

The Director shall provide the secretary of the Board of Adjustment with a copy of any registration filed under Section 18:7-1.6. (R.O. 1966 C.S. § 15:10-2.2)

18:7-1.8. Penalty.

Any person violating any of the provisions of this Article shall, upon conviction, be punished by a fine not exceeding five hundred (\$500.00) dollars or by imprisonment in the County jail for a term not exceeding ninety (90) days or shall be punished by both such fine and imprisonment. (R.O. 1966 C.S. § 15:10-2.3)

18:7-1.9—18:7-1.11. Reserved.

ARTICLE 3 Nuisance; Notice to Abate; Complaint; Custodian; Lien

18:7-1.12. Buildings and Structures Constituting Nuisance.

Any building or structure described in Section 18:7-1.1, which is in a condition or contains a condition which is dangerous to life, or detrimental to health, or harmful to the life, health and safety of the

occupants of buildings or structures or to the general public in the City, shall constitute a nuisance.
CROSS REFERENCE: For general enumeration of nuisances, see Section 16:15-1 et seq. of this Code.

18:7-1.13. Written Notice of Nuisance or Violation.

Whenever it shall be determined by the Director of Neighborhood and Recreational Services that any building or structure described in Section 18:7-1.1 contains or is itself a nuisance, or has a defect or condition in violation of this chapter, it shall be the duty of the Director to serve, in the manner set forth in Section 18:7-1.15, a notice in writing upon the owner, lessor or agent of the building or structure, setting forth the existing conditions pertaining to any such building or structure as more particularly required by Section 18:7-1.14. (R.O. 1966 § 15:10-4)

18:7-1.14. Contents of Notice; Statement of Intention.

a. The notice referred to in the preceding subsection shall contain a description of the property affected, sufficiently definite in terms to identify it, as well as a description of the nuisance, defect or improper condition.

b. The notice shall further contain a statement substantially as follows: Unless the abatement of the nuisance, defect or improper condition is carried out within thirty (30) days after the service of the notice, the Director of Neighborhood and Recreational Services will file a complaint with the City Clerk, which complaint shall be considered by the Municipal Council, who may determine that the City of Newark shall proceed to remedy the existing conditions, in accordance with the Statutes of the State of New Jersey in such case made and provided; and that, in such event, the cost and expenses of abating the nuisance, defect or improper condition will be charged as a municipal lien against the premises.

(R.O. 1966 § 15:10-5)

18:7-1.15. Service of Notice.

The notice, referred to in Section 18:7-1.13, may be served upon an owner, lessor or agent personally, or by certified or registered mail addressed to his/her last known address. Personal service of the notice upon a member of the family of the owner, lessor or agent, over fourteen (14) years of age, residing in the same dwelling unit with the owner, lessor or agent, shall be deemed personal service upon the owner, lessor or agent, as the case may be. However, where the owner or lessor has failed to register his/her premise as required by this chapter and designate an agent in charge of the premises residing in the City, or where such agent has been designated but cannot be found at the address given in the registration, then any such notice may be served by posting it upon the premises in a conspicuous place, such service being sufficient notice to the owner or lessor. (R.O. 1966 § 15:10-6)

18:7-1.16. Filing of Complaint by Director; Determination and Resolution by Council.

a. Whenever the Director of Neighborhood and Recreational Services has determined 1. that a violation of this chapter exists, and 2. that after due notice to the owner, lessor or agent of the defective building or structure, the owner, lessor or agent has failed to abate the nuisance, defect or improper condition, the Director shall file a complaint in writing with the City Clerk setting forth the existing conditions pertaining to any such building or structure. The complaint shall state that in the opinion of the Director the condition complained of can be corrected or repaired or put in proper condition to comply with the requirements of any ordinances of the City or State law applicable thereto. The complaint shall set forth in detail the nature of the nuisance, defect or improper condition to be corrected or abated.

b. The Municipal Council, after due notice to the owner, lessor or agent, shall forthwith proceed to consider the complaint referred to in paragraph a. above. If the Council deems it advisable and for the best interests of the tenants occupying the building or structure or the general public that such building or structure described in the complaint shall be repaired, and that the existing condition can be corrected in



order to put the premises in proper condition so as to comply with the requirements of any ordinances or State law applicable thereto, the Council shall declare the building or structure harmful to the health or safety of the occupants of the building or structure or the general public, by adoption of a resolution containing such declaration, and a further declaration as to the amount of municipal funds that shall be expended in order to make the necessary repairs to put the premises in proper condition, which monies shall be a lien against the premises. The resolution shall be filed with the City Clerk.

(R.O. 1966 § 15:10-7)

18:7-1.17. Custodian Designated; Costs and Expenses.

Upon passage of the resolution described in the preceding Section, the Municipal Council shall designate a custodian who shall enter into and take charge of the premises affected and supervise the abatement of the nuisance, correction of the defective condition, or the maintenance of the premises in a proper condition so as to conform to the requirements of any ordinances and State laws applicable thereto. Any cost and expenses incurred by the custodian shall be charged against the premises and be made collectible as provided in this chapter. (R.O. 1966 § 15:10-8)

18:7-1.18. Costs and Expenses as Lien on Property.

When any such repairs shall have been undertaken, the person authorized to so undertake them shall keep an accurate account of the costs and expenses thereof. Whenever such repairs have been completed, a true statement of the cost and expenses thereof, under oath or affirmation, shall be filed by such person with the City Clerk. Upon examination by the Municipal Council of the statement and the ascertainment that the same is properly made and correct, and upon confirmation by the Council, the same shall be filed in the Office of the City Clerk, who shall record the same in a book to be kept for that purpose. The City Clerk shall certify the amount thereof to the Collector of Taxes, to be charged upon the books of the City against the premises upon which the repairs were made, which charge, with interest thereon, shall forthwith become a lien against the premises and collectible as provided by this chapter and by law. (R.O. 1966 § 15:10-9)

18:7-1.19 Penalties.

a. Any person who shall violate any provision of this chapter or of any rule or regulation promulgated by the Director pursuant to the authority granted by this chapter and as approved by the Council, shall upon a conviction be punished by a fine of not less than one hundred (\$100.00) dollars and not more than two thousand (\$2,000.00) dollars for each such provision violated. Each day's failure to comply with any such provision shall constitute a separate offense. Additionally, the court may impose imprisonment in the County jail or in any place provided by the municipality for the detention of prisoners, for a term of ninety (90) days or a period of community service not exceeding ninety (90) days.

b. The court may cause a defendant who, in default, refuses or neglects to pay the amount of the fine imposed against him/her and all costs and charges incident thereto to be committed to the Essex County jail or in a place provided by the municipality for the detention of prisoners, for a minimum period of two (2) days but not exceeding ninety (90) days.

c. In case a defendant shall have been convicted within one year of the date of a previous violation of this chapter and due proof of such fact is made, the court may, in addition to the imposition of the penalty prescribed by paragraph a. above, order the defendant to pay an additional fine as a repeat offender. The additional fine shall not be less than the minimum or exceed the maximum fine set by this subsection for such violation.

d. Where the defendant is other than a natural person or persons, paragraphs a., b., and c. of this subsection shall apply to any agent, officer, member or partner who shall, alone or with others have charge, care, or control of the premises within the definition of "owner" under this chapter.



(Ord. PSF-D, 1-16-13 § 1)

18:7-1.20—18:7-1.21. Reserved.

ARTICLE 4 Receiver of Rents and Income

18:7-1.22. Appointment of Receiver of Rents and Income.

In the event that any owner or lessor of such building or structure in the City shall violate such ordinances or State laws applicable thereto, or fail to abate a condition harmful to the health and safety of the occupants of the building or structure or the general public, after notice and opportunity to abate, remove or remedy, as provided for in this chapter, the Director of Neighborhood and Recreational Services may, by and with the approval of the Municipal Council, bring an action in the Superior Court to be appointed receiver ex officio of the rents and income from such property and expend the same for the purpose of abating the conditions. The rents and income so collected by the receiver shall also be available for the payment of such costs and expenses of the receivership as may be adjudged by the Court, and for the payment to the City of any fines or penalties which may have been imposed on the owner or lessor for violations of such ordinances or State laws applicable thereto, which have not been paid by the person liable therefor. Such receiver shall not be required to give bond and shall be appointed only for the purpose herein set forth. (R.O. 1966 § 15:10-10)

18:7-1.23. Receiver's Agent; First Mortgagee; Removal.

a. Upon his/her appointment, the receiver, by and with the approval of the Municipal Council, in all cases where the real property in question is encumbered by a first mortgagee, shall appoint such first mortgagee, if such mortgagee is a proper person and is willing to accept such appointment, as the receiver's agent to collect rents and income from such real property and manage the same. In all other cases the receiver, by and with the approval of the Municipal Council, may designate the person in charge or management of such real property or some other competent person as the receiver's agent to collect the rents and income from such real property and manage the same.

b. The mortgagee or other person so designated shall account promptly to the receiver for the rents and income collected, subject also to the order of the Court; provided, however, that if the mortgagee or other person so designated is derelict in collecting or accounting for such rents and income or in the management of such real property, the receiver shall apply to the Court for the removal of such designated mortgagee or other person, upon notice in writing to him/her. The Court, upon removing such mortgagee or other person, in its discretion, may designate another person to collect the rents and income from such real property and manage the same and account to the receiver for the rents and income of such real property as aforesaid.

(R.O. 1966 § 15:10-11)

18:7-1.24. Receivership Procedure.

Except as otherwise provided herein, the procedure in respect to any such receivership provided by this chapter shall be as in the case of receiverships to secure the payment of delinquent taxes, penalties, interest, costs and expenses. (R.O. 1966 § 15:10-12)

18:7-1.25. No Fees to Receiver or Counsel.

In any such receivership no fees shall be allowed the receiver or his/her counsel for acting as such receiver or counsel. (R.O. 1966 § 15:10-13)

18:7-1.26—18:7-1.29. Reserved.



ARTICLE 5 Administration; Enforcement; Penalty

18:7-1.30. Enforcing Authority.

The Director of the Department of Neighborhood and Recreational Services is hereby designated and authorized to administer and enforce the provisions of this chapter. (R.O. 1966 § 15:10-14)

18:7-1.31. Right of Inspection.

The Director of Department of Neighborhood and Recreational Services and his/her duly authorized agents, shall have the right and privilege to enter into and upon any lands in the City whereon any building or structure is or may be erected and of entering into any such building or structure, for the purpose of examining the condition of the same and to determine whether the condition thereof is such as to constitute a nuisance as defined in this chapter. (R.O. 1966 § 15:10-15)

18:7-1.32. Additional Authority.

The authority conferred by this chapter shall be in addition to the authority heretofore and hereafter conferred on the City in respect to the construction and maintenance of buildings and structures, local health ordinances and the removal or destruction of buildings or structures and parts thereof endangering public health and safety. (R.O. 1966 § 15:10-16)

18:7-1.33. Penalty.

Any person failing to comply with the registration requirements of Article 1 of this section or otherwise failing to obey the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding two hundred (\$200.00) dollars, or by imprisonment for a term not exceeding ninety (90) days, or both. (R.O. 1966 § 15:10-17)

CHAPTER 8 FAIR HOUSING

18:8-1. FAIR HOUSING AND PUBLIC ACCOMMODATION.

18:8-1.1. Title.

This chapter shall be known as the "Fair Housing and Public Accommodation Regulations." (R.O. 1966 C.S. § 15:14-1)

18:8-1.2. Findings of Council.

The Council finds that:

- a. The population of the City of Newark consist of people of every race, color, religion and national origin, many of whom are discriminated against in public accommodations and in obtaining adequate housing facilities;
- b. Discrimination in housing results in overcrowded, segregated areas, under substandard, unsafe, unsanitary living conditions;
- c. Discrimination in places of public accommodation causes embarrassment and inconvenience to citizens and visitors of the City, creates breaches of the peace, and is otherwise detrimental to the welfare and economic growth of the City of Newark;
- d. In order to assure that all persons regardless of race, color, or creed, enjoy the full benefits of citizenship and are afforded equal opportunities for housing and the use of public accommodations, it is necessary that appropriate legislation be enacted.

(R.O. 1966 C.S. § 15:14-2)

18:8-1.3. Definitions.

As used in this chapter:

Affirmative Action Review Council shall mean the Council established in Section 2:2-27, Office of Affirmative Action.

Liability for service in the armed forces of the United States shall mean subject to being ordered as an individual or member of an organized unit into active service in the armed forces of the United States by reason of membership in the national guard, naval militia, or a reserved component of the armed forces of the United States, or subject to being inducted into such armed forces through a system of national selective service.

Person shall mean and include one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers and fiduciaries.

Place of public accommodation shall mean and include but not be limited to: any tavern, road house, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health recreation or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operating on land or water, or in the air, any stations and terminals thereof; any bathhouse, boardwalk or seashore accommodation; any auditorium, meeting place or hall; any theater, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and



recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university. Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his/her control is hereby affirmed; nor shall anything herein contained be construed to bar any private, secondary, or post-secondary school from using in good faith criteria other than race, creed, color, national origin or ancestry, age, liability of service in the armed forces of the United States, sex, and marital status, in the admission of students.

Real property shall mean and include real estate, lands, multiple dwellings and hereditaments, corporal and incorporeal, and leaseholds, provided however that, the provisions of this chapter shall not apply to the rental: a. of a single apartment or flat in a two (2) family dwelling, the other occupancy unit of which is occupied by the owner as his/her residence or the household of his/her family at the time of such rental; or b. of a room or rooms to another person or persons by the owner or occupant of one-family dwelling occupied by him/her as his/her residence or the household of his/her family at the time of such rental. Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

Real estate salesperson shall mean and include any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a licensed real estate broker to sell or offer to sell, buy or offer to buy or negotiate the purchase, sale, or exchange of real estate, or offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate or to lease or rent, or offer to lease or rent any real estate for others, to collect rents for the use or other encumbrance upon or transfer of real estate, or to lease or rent, or who is employed by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

Real estate broker shall mean and include a person, firm or corporation who, for a fee, commission or other valuable consideration, or by reason of promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys or rents or offers or attempts to offer a sale, exchange, purchase, or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate, or solicits for prospective purchasers or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, or offers or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any real estate for others; or any person who, for pecuniary gain or expectation of pecuniary gain conducts a public or private competitive sale of lands or any interest in lands. In the sale of lots, the term real estate broker shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate.

(R.O. 1966 C.S. § 15:14-3)



18:8-1.4. Unlawful Practices.

It shall be an unlawful practice:

a. For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, age, liability for service in the armed forces of the United States, sex or marital status is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent, or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person.

b. For the owner, lessee, sublessee, assignee, or managing agent of, or other person having the right of ownership or possession of or right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

1. To refuse to sell, rent, lease, assign, or sublease or otherwise deny to or withhold from any person or group of persons any real property or part or portion thereof because of the race, creed, color, national origin, ancestry, age, liability to the armed forces of the United States, sex or marital status of such person or group of persons;

2. To discriminate any person or group or persons because of the race, creed, color, national origin, ancestry, age, liability for service in the armed forces of the United States, sex or marital status of such person or group of persons in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

3. To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, liability to serve in the armed forces of the United States, sex or marital status, or any intent to make such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person.

c. For any real estate broker, real estate salesperson or employee or agent thereof:

1. To refuse to sell, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental lease, assignment or sublease of any real property or part or portion thereof to any person or group of persons because of the race, creed, color, national origin, ancestry, age, liability to the armed services of the United States, sex or marital status of such person or group of persons, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion or facilities thereof to or from any person or group of persons because of the race,

creed, color, national origin, ancestry, age, liability to serve in the armed forces of the United States, sex, marital status of such person or group of persons; or

2. To discriminate against any person because of his/her race, creed, color, national origin, ancestry, age, liability to service in the armed forces of the United States, sex or marital status in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

3. To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed, any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment or sublease of any real property or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, liability to service in the armed forces of the United States, sex or marital status or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person.

d. For any person, bank, banking organization, mortgage company, insurance company or other financial institution or lender to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

1. To discriminate against any person or group of persons because of the race, creed, color, national origin, ancestry, age, liability to service in the armed forces of the United States, sex or marital status of such person or group of persons or of the prospective occupant or tenants of such real property or part or portion thereof, in the granting, withholding, extending, modifying or renewing or in the fixing of the rates, terms, conditions or provisions of any such financial assistance or in the extension of services in connection therewith; or

2. To use any form of application for such financial assistance or to make any record or inquiry in connection with application for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, liability to serve in the armed forces of the United States, sex or marital status or any intent to make such limitation, specification or discrimination.

(R.O. 1966 C.S. § 15:14-4)

18:8-1.5. Enforcement of Chapter.

The Affirmative Action Office is hereby vested with the authority to administer and enforce this chapter and in conjunction therewith may promulgate and issue regulations. (R.O. 1966 C.S. § 15:14-5)

18:8-1.6. Procedure.

a. Any individual claiming to be aggrieved by unlawful housing practices or an unlawful public accommodation practice, may make, sign and file with the Office of Affirmative Action a verified complaint in writing which shall state the name and address of the person or persons alleged to have committed the unlawful practice and particulars thereof. The complaint shall also contain such information as may be required by the Office of Affirmative Action. The Office of Affirmative Action, upon its own initiative, may in like manner sign and file a complaint. The Office of Affirmative Action, however, shall not accept a complaint from any person who has filed a complaint with the New Jersey State Division of Civil Rights with respect to the same grievance. The Office of Affirmative Action or the



complainant shall have the power reasonably and fairly to amend any complaint, and the correspondents (respondents) shall have the power to amend their answer.

b. After the filing of any complaint, the Office of Affirmative Action shall make a prompt investigation.

c. If it shall be determined after such an investigation that there is no basis for the allegation of the complaint, the Office of Affirmative Action shall in ten (10) days from such determination, cause to be issued and served upon the complainant written notice of such determination. The notice shall also state the complaint shall be dismissed unless within ten (10) days after such service the complainant or his/her attorney file, with the Office of Affirmative Action, a request for a review hearing. The Office of Affirmative Action shall upon request for such a hearing provide the complainant and his/her attorney, if any, an opportunity to appear before the Office of Affirmative Action, a member thereof, or a staff representative of the Office of Affirmative Action, at the election of the Office of Affirmative Action to present such additional information as may be available to support the allegations of the complaint. If after such a hearing the Office of Affirmative Action or its representative determine that there is no basis for the allegation, the complaint shall be dismissed and there shall be no appeal from such a decision.

d. If the Office of Affirmative Action after the investigation determines that probable cause exists for the allegations of the complaint, the Office of Affirmative Action shall immediately endeavor to eliminate the unlawful practice complained of by persuasion.

e. If the Office of Affirmative Action in its discretion finds that it is not possible to eliminate such unlawful practice by persuasion, the Office of Affirmative Action shall cause to be issued and served a written notice, with a copy of such complaint as originally filed or as the same may have been amended by the Office of Affirmative Action, requiring the party named in such complaint, hereafter referred to as the respondent, to answer the charges at such place to be specified in such notice. The Office of Affirmative Action may designate one (1) or more of its members to preside at such meeting, or it may at its election conduct the hearing in banc.

f. The case in the support of the complaint shall be presented to the Office of Affirmative Action by its attorney or by a member of the staff. The respondent may file a written verified answer to the complaints and appear at such hearing in person or with counsel. The complainant may likewise appear at such hearing in person or with counsel. The Office of Affirmative Action shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and may be transcribed.

g. If upon all the evidence at the hearing, the Office of Affirmative Action shall find that the respondent has engaged in or is engaged in any unlawful practice, the Office of Affirmative Action shall state its findings of fact and shall issue and cause to be served on the respondent an order requesting the respondent to cease and desist from such unlawful practice or practices and to take such affirmative action, including but not limited to the extension of full, equal, and unsegregated accommodations, advantages, facilities, and privileges to all persons, as, in the judgment of the Office of Affirmative Action will effectuate the purposes of this section and including a request for report of the manner of compliance.

h. If upon all the evidence, the Office of Affirmative Action shall find that the respondent has not engaged in any unlawful practice, the Office of Affirmative Action shall state its findings of fact and shall dismiss the complaint. Notice of such action shall be given to the complainant and the respondent.

i. No complaint shall be considered unless it is filed with the Office of Affirmative Action within one hundred eighty (180) days after the alleged act of discrimination.

(R.O. 1966 C.S. § 15:14-6)



18:8-1.7. Compliance with Order; Enforcement.

In the event the respondent refuses or fails to comply with any order of the Office of Affirmative Action or violates any provisions of this chapter, the Office of Affirmative Action shall certify the case and the entire record of its proceeding to the Law Department, which shall invoke the aid of the appropriate court to secure enforcement or compliance with this chapter. (R.O. 1966 C.S. § 15:14-7)

18:8-1.8. Penalty.

Any person who shall violate any provision of this chapter shall be subject to a fine of not more than five hundred (\$500.00) dollars or imprisonment for a period not exceeding ninety (90) days or both. (R.O. 1966 C.S. § 15:14-8)



CHAPTER 9 ANTI-WAREHOUSING

18:9-1. SHORT TITLE.

This chapter shall be known and cited as the "Anti-Warehousing" Regulations. (Ord. 6 S+FB, 9-2-87)

18:9-2. APPLICABILITY.

This chapter shall be applicable to all apartments which are vacant for a period of at least thirty (30) days. (Ord. 6 S+FB, 9-2-87)

18:9-3. NOTIFICATION OF VACANCY.

The owner of any dwelling unit which is subject to the provision of this chapter, as amended from time to time, at any time when such dwelling unit has been vacant for a period of thirty (30) days shall within ten (10) days thereafter, notify the Newark Rent Control Board in writing of the fact of such vacancy, the identity of the owner, the address and apartment number of the vacant dwelling unit, and the date upon which it became vacant. (Ord. 6 S+FB, 9-2-87)

18:9-4. OBLIGATION TO RENT DWELLING.

At or before the time any dwelling unit described in Section 18:9-3 shall become vacant, and continuing during the period of such vacancy, the owner shall make diligent effort to rent the same. (Ord. 6 S+FB, 9-2-87)

18:9-5. ABILITY TO REJECT PROSPECTIVE TENANT.

The owner shall accept as a tenant for immediate occupancy of such dwelling unit any person who offers to pay the lawful rent and any proper security deposit which may be required for the apartment and agrees to any reasonable rental terms; provided that:

a. The owner may refuse to accept any such person as a tenant where he/she is able to establish clearly and convincingly that the prospective tenant:

1. Would be likely to engage in conduct which would constitute one of the good cause grounds for eviction set forth in N.J.S. 2A:18-61.1.

2. Has failed to comply with the reasonable requests of the owner for financial or other relevant personal information which is necessary for the owner to make an informed decision as to the suitability of the person as a prospective tenant, within a reasonable time after request therefore.

(Ord. 6 S+FB, 9-2-87)

18:9-6. IMMEDIATE OCCUPANCY.

The owner must offer any such person a tenancy in such dwelling unit with occupancy to begin on a date which is not more than thirty (30) days from the date such prospective tenant offers to rent the dwelling unit, except where the owner is able to establish clearly and convincingly that the delay in occupancy is necessary for the purpose of making repairs or improvements to the dwelling unit, which repairs or improvements cannot practically be made while a person is in possession and occupancy of the dwelling unit. (Ord. 6 S+FB, 9-2-87)



18:9-7. WRITTEN NOTIFICATION TO TENANT.

Within five (5) days after a person has offered to rent a vacant dwelling unit which is subject to the provisions of this chapter and such person has complied with all reasonable requests of the owner for relevant financial personal information, the owner shall notify that person and the Newark Rent Control Board in writing whether such person is accepted for the tenancy, rejected or accepted for a future occupancy and in, the latter two (2) cases, the owner shall also set forth in the notification the specific reason therefore and, in the last case the date occupancy is to begin. It shall be the obligation of any person required to give written notice under this chapter to ensure that all parties required to actually receive such notice. (Ord. 6 S+FB, 9-2-87)

18:9-8. ENFORCEMENT OF RIGHTS.

Any person aggrieved by the action or inaction of an owner of a dwelling unit subject to the provisions of this chapter may bring the matter before the Municipal Court on a complaint for violation of this chapter. (Ord. 6 +FB, 9-2-87)

18:9-9. PENALTY.

A violation of any provision of this chapter shall be punishable by a fine not to exceed five hundred (\$500.00) dollars, imprisonment for a period up to thirty (30) days or both. Each day during which an owner is in violation of any of the provisions of this section shall constitute a separate offense hereunder. (Ord. 6 S+FB, 9-2-87)



CHAPTER 10 CERTIFICATE OF NECESSITY

18:10-1. CERTIFICATE OF NECESSITY TO REQUIRE ADJACENT OWNER TO PERMIT ACCESS FOR PURPOSE OF REPAIR; BOND.

18:10-1.1. Procedure to Secure Certificate of Necessity.

Any owner who, pursuant to an order of the Director under this Housing Code, is unable to comply therewith without having access to adjacent property may, where such access has been denied him/her, apply to the Director for a certificate of necessity. The owner shall make application for such certificate of necessity by filing an affidavit showing the need for access and the refusal of the adjacent owner to permit access thereto. Where the owner makes the application within ten (10) days of denial of access by the adjacent owner, the Director may, upon a showing of good faith, grant an extension of time to comply with the order sufficient to permit the owner to secure a certificate of necessity as provided herein. The Director shall then order the adjoining owner to appear before him/her on a fixed day and at a fixed time and place to show cause why an order should not be issued by him/her to the adjoining owner directing him/her to permit the requested access for the purposes herein stated. The order shall be served personally on such owner or by leaving a copy thereof at his/her place of residence with a member of the family over the age of fourteen (14) years. In such order the required appearance shall not be less than ten (10) days from the date of such service. If service of the order to show cause cannot be made as above directed, then it may be effected by certified or registered mail addressed to the place of residence of such owner, in which case the required appearance shall be not less than fifteen (15) days from date of mailing. If the residence of such owner cannot, after due diligence, be ascertained and an affidavit to that effect shall be made by the Director, then the serving of such order to show cause upon such owner may be made by publishing the same once in a newspaper published in the City of Newark, in which case the order shall extend the appearance for a period of not less than thirty-five (35) nor more than sixty (60) days from the date of publication of the order. Proof of publication of such order, together with a copy of such order, shall be filed in the office of the Director. A copy of any order served by publication or by certified or registered mail shall be posted in a conspicuous place on the exterior of the premises affected by the order on or before the date of the publication. The order to show cause shall apprise such owner of the reason for the requested appearance before the Director. (R.O. 1966 § 15:8-1)

18:10-1.2. Hearing on Certificate of Necessity; Issuance of Certificate.

The director shall, on the day fixed in the order to show cause, afford the adjoining owner an opportunity to state his/her reasons in opposition to the requested access. If the Director shall, nevertheless, be satisfied that access is required to the adjoining property for the purpose hereinbefore stated, he/she shall issue under his/her hand and seal a certificate of necessity, setting forth therein the pertinent facts in connection therewith. Such certificate shall thereupon entitle the owner who has been directed to make the repairs to enter upon so much of the adjacent property as shall be necessary to effectively comply with the requirements of the Director. The certificate of necessity shall set a reasonable time within which the work shall be done and completed. Such time shall depend upon the amount of work involved. If the person to whom the order to show cause was addressed and served in accordance with the provisions of this chapter has failed to appear on the day stated therein, or at any extended time for his/her appearance, the certificate of necessity may, nevertheless, be issued by the Director, if he/she should find the requested access necessary. Such issuance shall have the same effect as if an appearance has been made. (R.O. 1966 § 15:8-2)

18:10-1.3. Responsibility of Person Granted a Certificate of Necessity; Bond.

a. The person to whom access has been given by such certificate of necessity shall alone assume full responsibility for any damage he/she may cause to the adjoining owner's property. No responsibility shall attach to the Director or his/her representative for issuing a certificate of necessity.

b. Prior to the issuance of a certificate of necessity the Director shall ascertain the extent of the repairs required of the applicant. He/she shall thereupon direct the applicant to deposit with the Director a surety bond in favor of the adjoining owner and any other person in possession of the premises affected by the certificate of necessity. The bond shall be issued by a surety company authorized to do business in New Jersey and shall agree to indemnify the affected owner and any other person for any property damage or personal injuries, or both, which may be caused by the applicant; provided, however, that the bond shall be in a sum of not less than one thousand (\$1,000.00) dollars nor more than twenty-five thousand (\$25,000.00) dollars. In fixing the amount of the bond the Director shall determine and take into consideration the extent and duration of the repairs to be done and the proximity of the improvements on the premises affected by the certificate of necessity to be issued. The bond shall be approved as to form by the Corporation Counsel or First Assistant Corporation Counsel of the City.

(R.O. 1966 § 15:8-3)

18:10-1.4. Failure to Comply with Chapter to Constitute Violation of Housing Code.

Any refusal to comply with this chapter, or any interference with access to premises as provided in the certificate of necessity shall constitute a violation of this Housing Code. (R.O. 1966 § 15:8-4)



CHAPTER 11 UNFIT BUILDINGS

18:11-1. BUILDINGS UNFIT FOR HUMAN HABITATION.

Editor's Note: The preamble to ordinance 6 S+FBB of 9-3-80 reads as follows:

Whereas, the Legislature of the State of New Jersey enacted N.J.S. 40:48-1, which enables municipalities to adopt ordinances relating to the repair, closing and demolition of buildings unfit for human habitation or occupancy or use, and providing for the remedies and procedure in connection with actions taken under such ordinances; and

Whereas, the Governing Body of the City of Newark, adopted an ordinance on January 4, 1961, R.O. 15:9-1 et seq. (Recodified as R.O. 18:11-1.1 et seq.), to address the problem of unfit buildings and structures within the City of Newark; and

Whereas, on March 21, 1979 the New Jersey State Legislature amended and revised N.J.S. 40:48-1 by giving municipalities greater authority to address the problems of unfit buildings and structures within the municipality; and

Whereas, the Municipal Council of the City of Newark is desirous of incorporating these recent amendments into its present ordinance. R.O. 15:9-1 et seq. (R.O. 18:11-1.1 et seq.).

Now, therefore, be it ordained by the Municipal Council of the City of Newark, New Jersey, that:

Section 1. That Title 18, Section 18:11-1 entitled "Buildings Unfit for Human Habitation" of the Revised General Ordinances of the City of Newark, New Jersey, be and the same is hereby amended to read in its entirety as follows:

18:11-1.1. Administrative Authority; Determination.

a. The Director of the Department of Neighborhood and Recreational Services is hereby given the authority to exercise the powers prescribed by this chapter, and is hereinafter referred to in this chapter as the Public Officer.

b. The Public Officer may determine any building or dwelling unfit for human habitation or occupancy or use, by reason of its being so infested with disease, or by reason of its being in a condition dangerous to health or life, or to be likely to cause sickness among the occupants, or by reason of its being so decayed, unsanitary, unsafe or vermin-infested, that it creates a serious hazard to the health or safety of the occupants or the public, or by reason of lack of safe illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public, or to be likely to increase the risk of fire, dilapidation, destruction, accidents, or other calamities.

(R.O. 1966 C.S. § 15:9-1; Ord. 6 S+FK, 10-7-87)

18:11-1.2. Complaint; Hearing; Compliance; Costs.

a. That whenever a petition is filed with the Public Officer by a public authority or by at least five (5) residents of the City of Newark charging that any building is unfit for human habitation or occupancy or use whenever it appears to the Public Officer (on his/her own motion) that any building is unfit for human habitation or occupancy or use, the Public Officer shall if his/her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Public Officer (or his/her designated agent) at a place therein fixed not less than seven (7) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file and answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the Public Officer.



b. That if, after such notice and hearing, the Public Officer determines that the building under consideration is unfit for human habitation or occupancy or use he/she shall state in writing his/her findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

1. Requiring the repair, alteration or improvement of the building to be made by the owner, within a reasonable time, which time shall be set forth in the order or, at the option of the owner, to vacate or have the building vacated and closed within the time set forth in the order; and

2. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the building within the time specified in the order, then the owner shall be required to remove or demolish the building within a reasonable time as specified in the order of removal.

c. That, if the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the Public Officer may cause such building to be repaired, altered or improved, or to be vacated and closed; that the Public Officer may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

d. That, if the owner fails to comply with an order to remove or demolish the building, the Public Officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of bidstherefor.

e. That the amount of:

1. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this section determined in favor of the City of Newark, and

2. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the Public Officer, he/she shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the Public Officer, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of court. Any owner or party in interest may, within thirty (30) days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

(R.O. 1966 C.S. § 15:9-2)

18:11-1.3. Demolition of Dangerous Buildings.

a. If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the Public Officer may, after taking such measures as may be necessary



to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

b. Nothing in this chapter shall be construed to impair or limit in any way the power of the City of Newark to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this section intended to limit the authority of the enforcing agency or construction official under the "State Uniform Construction Code Act," P.L. 1975, c.217 (C. 52:27D-119 et seq.) or any rules or regulations adopted thereunder.

(R.O. 1966 C.S. § 15:9-3)

18:11-1.4. Occupancy Prohibited Until Condition Abated.

When the Public Officer finds that a building or dwelling is unfit for human habitation within the meaning of this Housing Code and notice thereof has been given to the owner and occupant as above provided, no person shall thereafter, unless pursuant to a stay by a court of competent jurisdiction, receive rentals, offer for rent, or occupy or permit the occupancy of the building or dwelling for human habitation until the Public Officer has found that the condition causing the premises to be unfit for human habitation has been abated or removed and that the premises are again fit for human habitation. Upon the abatement or correction of the condition, the owner or occupant may make written request to the Public Officer for a further inspection and hearing. If the Public Officer shall find the conditions corrected or abated he/she shall cause the removal of the signs prohibiting occupancy and shall advise all interested persons that occupancy may be resumed. (R.O. 1966 C.S. § 15:9-4)

18:11-1.5. Service of Complaints.

Complaints or orders issued by the Public Officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Public Officer in the exercise of reasonable diligence, and the Public Officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the City of Newark, or, in the absence of such newspaper, in one printed and published in the County and circulating in the City of Newark. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the County Recording Officer of the County in which the building is located. (R.O. 1966 C.S. § 15:9-5)

18:11-1.6. Relief From Order Issued by Public Officer.

Any person aggrieved by an order issued by a Public Officer under this chapter may, within thirty (30) days after the posting and service of such order, bring an action for injunctive relief to restrain the Public Officer from carrying out the provisions of the order and for any other appropriate relief. The court may proceed in the action in a summary manner or otherwise. The remedy herein provided shall be exclusive and no person affected by an order of the Public Officer shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the Public Officer. (R.O. 1966 C.S. § 15:9-6)



CHAPTER 12 NONRESIDENTIAL PROPERTY MAINTENANCE CODE

18:12-1. PURPOSE; TITLE.

18:12-1.1. Purpose of Code.

For the purpose of protecting the health, safety, and welfare of the people of the City there is hereby enacted a Code known as the "Nonresidential Property Maintenance Code of the City of Newark," which establishes minimum standards for nonresidential premises, determines the respective responsibilities of owners, operators, and occupants of applicable structures and buildings now in existence or which may hereafter be constructed or established, provides for the enforcement of provisions pertaining to such standards and responsibilities and provides penalties for the violation of such Code. (R.O. 1966 C.S. § 15:11-1)

18:12-2. DEFINITIONS.

As used in this chapter:

Accessory structure shall mean a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

Basement shall mean the portion of the building that is partly underground which has more than one-half (1/2) of its height, measured from clear floor to ceiling, above the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the buildings is interrupted by ditching, pits, or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits, or trenching.

Bathroom shall mean the enclosed space containing one (1) or more bathtubs, showers, or both, and which shall also include toilets, lavatories, or fixtures, serving similar purposes.

Building shall mean a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the shelter, enclosure and support of individuals, animals or property of any kind.

Building Code shall mean the State Uniform Construction Code (Title VII).

Cellar shall mean the lowermost portion of the building partly or totally underground, having one-half (1/2) or more of its height measured from clear floor to ceiling below the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits, or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the level created by the ditching, pits, or trenching.

Director shall mean the Director of the Department of Neighborhood and Recreational Services of the City, or such other City Official or officials as he/she shall designate to act in his/her behalf.

Emancipated minor shall mean any person under the age of twenty-one (21) who is gainfully employed and self-supporting or who is married to a spouse who is gainfully employed and who supports the minor, or who is a student living away from home and in regular attendance at an institution of higher learning.

Exterior of the premises shall mean open spaces on the premises outside of any building thereon.

Extermination shall mean the control and extermination of insects, rodents, and vermin by eliminating their harborage places, by removing or making inaccessible material that may serve as their food, by poisoning, spraying, fumigating, trapping, or by other approved means of pest elimination.



Fire hazard shall mean:

- a. Any device or condition likely to cause fire and which is so situated as to endanger either persons or property;
- b. The creation, maintenance, or continuance of any physical condition by reason of which there exists a use, accumulation or storage for use of combustible or explosive material sufficient in amount or so located or in such manner as to put in jeopardy, in event of ignition, either persons or property;
- c. The obstruction to or of fire escapes, ladders which may be used as escapes, stairways, aisles, exits, windows, passageways, or halls, likely in the event of fire to interfere with the operation of the Fire Department or of the safety and ready egress of occupants;
- d. The violation of any rule now or hereafter promulgated by the Fire Department of the City of Newark.

Floor area, superficial shall mean the net floor area within the enclosing walls of the room, excluding built-in equipment such as cabinets, closets, or fixtures which are not readily removable and excluding the floor area where the floor to ceiling height is less than four and one-half (4 1/2) feet.

Garbage shall mean putrescible animal and vegetable wastes. (see also **Refuse, Rubbish.**)

Infestation shall mean the presence of insects, rodents, vermin, or other pests on the premises which constitute a health hazard.

Inspector shall mean all officials, officers, or employees of the City of Newark entrusted with the enforcement of this Code.

Nonresidential premises shall mean any and all lots, plots, or parcels of land, including the buildings or structures therein, which are not used as dwellings as the same are defined in this Title, and which are not incidental to or accessory to the dwellings.

Nuisance shall mean:

- a. Any public nuisance known at public law or in equity jurisprudence or as provided by the Statutes of the State of New Jersey or in the ordinances of the City of Newark.
- b. Any attractive nuisance which may prove detrimental to the health, or safety of children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to abandoned walls, shafts, basements, excavations, abandoned ice-boxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris, or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.
- c. Physical conditions dangerous to human life or detrimental to health of persons on or near premises where the conditions exist.
- d. Overcrowding of a room with occupants in violation of this Code.
- e. Insufficient ventilation or illumination in violation of this Code.
- f. Inadequate or unsanitary sewage or plumbing facilities in violation of this Code.
- g. Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this Code.
- h. Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.
- i. Fire Hazards.

Occupant shall mean any person using or having actual possession of any nonresidential premises.

Operator shall mean any person who has charge, care, or control of a nonresidential premises, or a part thereof, whether with or without the knowledge and consent of the owner.

Owner shall mean any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care, or control of any premises as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, receiver, or guardian of the estate, or as mortgagee in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by the lessee.

Plumbing shall mean all of the following supplies, facilities, and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, lavatories, bathtubs, shower baths, catch basins, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines, and water pipes and lines utilized in conjunction with air-conditioning equipment.

Public authority shall mean any authority or any officer who is in charge of any department or branch of the government of the City relating to health, fire, building, regulations, or to other codes or ordinances concerning nonresidential premises in the City of Newark.

Public view shall mean any premises, or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public, or any member thereof, from a sidewalk, street, alleyway, licensed open air parking lot, or from any adjoining or neighboring premises.

Refuse shall mean all putrescible and non-putrescible solid wastes, except body wastes, including but not limited to: garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and industrial wastes. (see also **Garbage, Rubbish**).

Registered mail shall mean registered mail or certified mail.

Room shall mean space in an enclosed building, or space set apart by a partition or partitions, and any space in a building used or intended to be used for nonresidential purposes.

Rubbish shall mean nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass crockery, and similar materials. (see also **Garbage, Refuse**.)

Sanitary sewer shall mean any sanitary sewer owned, operated and maintained by the City of Newark and available for public use for the disposal of sewage or a sanitary system approved by the City of Newark.

Sewage shall mean waste from a flush toilet, bathtub, sink, lavatory, dishwashing, or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

Story shall mean that portion of a building included between the upper surface of any floor and upper surface of the floor next above, except that the topmost story shall be that portion of the building, included between the upper surface of the topmost floor and the ceiling or roof above. If the finished ceiling level directly above a basement or cellar is more than four (4) feet above grade, such basement or cellar shall be considered a story.

Structure shall mean an assembly of materials forming a construction occupancy or use including among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences and display signs.



Superficial floor area (see **Floor area, superficial**).

Ventilation shall mean supply and removal of air to and from any space by natural or mechanical means. Such air may or may not have to be conditioned.

Ventilation, mechanical shall mean ventilation by power-driven devices.

Ventilation, natural shall mean ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks with or without wind-driven devices.

Water closet compartment shall mean enclosed space containing one (1) or more toilets which may also contain one (1) or more lavatories, urinals, and other plumbing fixtures.

Washrooms shall mean enclosed space containing one (1) or more bathtubs, showers or both and which shall also include toilets, lavatories, or fixtures, serving similar purposes.

Weathering shall mean deterioration, decay, or damage caused by exposure to the elements.

Meaning of certain words. Whenever the words "accessory structure," "building," "premises," "room," "rooming unit," or "structure" are used in this Code, they shall be construed unless expressly stated to the contrary, to include the plurals of these words and as if they were followed by the words "or any part thereof." The word "shall" shall be applied retroactively as well as prospectively.

(R.O. 1966 C.S. § 15:11-2)

18:12-3. APPLICABILITY; RULES AND REGULATIONS; STANDARDS.

18:12-3.1. Applicability of Code to Existing and Future Buildings.

This Code shall apply to all buildings or portions thereof which are made subject to its provisions, irrespective of the date when such buildings were constructed or may in the future be constructed. (R.O. 1966 C.S. § 15:11-3)

18:12-3.2. Rules and Regulations; Approval by Council; Penalty for Violations.

The Director is hereby authorized and empowered to promulgate written rules and regulations approved by the Council for the proper administration of the provisions of this Code; provided that such rules and regulations shall not be in conflict with the provisions of this Code. The Director shall file a certified copy, under his/her hand and seal, of such rules and regulations with the City Clerk, the Director of the Fire Department, the Director of Police and the Manager, Division of Tax Abatement and Special Taxes. Such rules and regulations shall have the same force and effect as the provisions of this Housing Code. The penalty for violation of such rules and regulations shall be the same as the penalty for violation of the provisions of the Code, as provided in Section 18:12-4.3. (R.O. 1966 C.S. § 15:11-4)

18:12-3.3. Conflict with Other City Codes or Ordinances; Highest Applicable Standard to Prevail; Repeal of Conflicting Lower Standard Provisions.

In any case where a provision of this Housing Code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or other ordinances or codes of the City of Newark in force on the effective date of this Code, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail and the lower standard is hereby declared to be repealed to the extent that it is in conflict with the higher standard provision. (R.O. 1966 C.S. § 15:11-5)

18:12-4. ADMINISTRATION; ENFORCEMENT; INSPECTIONS; REPAIRS.

18:12-4.1. Duties of Owner, Operator and Occupant Distinct and Separate.



The duties and obligations of the owner, operator and occupant, as stated in this Code, shall be separate and distinct. (R.O. 1966 C.S. § 15:11-6)

18:12-4.2. Enforcement of Code; Notice of Violation.

a. Except as may be otherwise provided in paragraph g. or in any other provision of this Code, the Director shall notify in writing, by registered or certified mail or personal service as is more specifically provided in paragraph b. below, the owner, operator, or occupant of a structure as the case may be, of the existence of a condition or conditions or other provisions which constitute the violation of any section, subsection or other provision of this Code. As used in the provision of this subsection relating to notice of violation, the words, "day" and "days" shall not include Saturdays, Sundays, and holidays.

b. In the case of an owner or operator, the notice may be served personally upon him/her, or by certified or registered mail addressed to his/her last known address. If, after due diligence, the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the structure. Personal service of the notice upon a member of the family of the owner or operator over fourteen (14) years of age, residing in the same dwelling unit with the owner, or operator shall be deemed personal service upon the owner, or operator, as the case may be. In the case of the occupant notice may be mailed or delivered to him/her at his/her place of business or posted to the door of the occupant's premises.

c. For the purpose of enforcement of this Code, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violations set forth therein until the violations are abated in conformity with this Housing Code and other applicable ordinances of the City.

d. The notice of violation shall contain the following:

1. Such notice shall designate the building structure or premises or portion thereof in violation.
2. Such notice shall contain a statement of the violations existing in the building, structure, or premises or portion thereof, and the correction thereof sought by the Director.
3. Such notice shall specify a reasonable time, not to exceed thirty (30) days from the date of service of the notice, in which the notice shall be complied with and the violation abated, corrected or eliminated. Where it shall appear that by reason of the existing violation there is an immediate danger to the life, health, or safety of the occupant, or to others who may be on or about the premises, the owner, operator or occupant, as the case may be, shall forthwith be required to abate or repair the condition complained of.
4. Such notice shall, in a 10-point bold type or larger, apprise such person of his/her right to request a hearing pursuant to this chapter.

e. Any person served with any notice referred to heretofore in this section may request a hearing thereon, provided that such request is made in writing and filed with the Director within five (5) days after the day the notice was served. Upon receipt of such request the Director shall set a time and place for such hearing, to be held not later than twenty-five (25) days after the receipt and filing of such request. The Director shall give a ten (10) day written notice of such hearing by certified or registered mail to such person. If the Director at such hearing shall determine that no cause was shown why the notice of violation should be modified or withdrawn, the violation complained of in the notice thereof shall be abated, repaired or corrected within fifteen (15) days from the date of such hearing, except as provided in paragraph d.3 above in cases of immediate danger. If at such hearing the Director shall find that the violations cannot reasonably be abated within the time set forth in the notice he/she may extend the time for compliance to such period as in his/her judgment the circumstances shall warrant.

f. Where there exists a violation of the occupancy standards set forth in the provisions of Section 18:12-5.1, and where it has been satisfactorily drawn to the attention of the Director that an owner or



operator, after receipt of a notice of violation of the provisions of Section 18:12-5.1 is unable to eliminate the violation by peaceable means within the period of time specified in the notice, and such owner or operator has commenced within such period legal action to dispossess, evict or eject the occupants who cause the violation, no further action shall then be taken against the owner or operator so long as the action as aforesaid is pending in court, and is prosecuted expeditiously and in good faith by such owner or operator.

g. For the enforcement of Section 18:12-4.5d., it shall not be necessary for the Director to first give notice of the violation or to first comply with Section 16:1-3 of this Code, or the preceding sections of this chapter before instituting proceedings in the Municipal Court for a penalty for violation of any of those provisions.

(R.O. 1966 C.S. § 15:11-7)

18:12-4.3. Penalty.

a. Any person who shall violate any provision of this chapter or of any rule or regulation promulgated by the Director pursuant to authority granted by this chapter and as approved by the Council, shall upon conviction be punished by a fine of not less than one hundred (\$100.00) dollars and not more than two thousand (\$2,000.00) dollars for each such provision violated. Each day's failure to comply with any such provision shall constitute a separate offense. Additionally, a court may impose imprisonment in the County jail or in any place provided by the municipality for the detention of prisoners, for a term of ninety (90) days or a period of community service not exceeding ninety (90) days.

b. The court may cause a defendant, in default, who refuses or neglects to pay the amount of the fine imposed against him/her and all costs and charges incident thereto to be committed to the Essex County jail for a minimum period of two (2) days but not exceeding ninety (90) days or be required to perform community service for a period not exceeding ninety (90) days.

c. In case a defendant shall have been convicted within one (1) year of the date of a previous violation of this chapter and due proof of such fact is made, the court may, in addition to the imposition of the penalty prescribed by paragraph a. above, order the defendant to pay an additional fine as a repeat offender. The additional fine shall not be less than the minimum or exceed the maximum fine set by this subsection for such violation.

d. Where the defendant is other than a natural person or persons, paragraphs b. and c. of this subsection shall apply to any agent, officer, member or partner who shall, alone or with others who have charge, care, or control of the premises within the definition of "owner" under this chapter.

(R.O. 1966 C.S. § 15:11-8; Ord. 6PSF-D, 1-16-13)

18:12-4.4. Informational Inspection of Buildings at Request of Owners, Prospective Purchasers, Mortgagees or Prospective Mortgagees.

a. Whenever an owner, authorized prospective purchaser, mortgagee or prospective mortgagee shall apply to the Director for an inspection of any building or portion thereof used or intended to be used for nonresidential purposes, in order to ascertain if any section of this chapter has been violated, the Director, upon payment of the fees specified in paragraph b. below shall cause an inspection to be made of the premises and issue an informational certificate or report of the inspection to the applicant, indicating therein any violation of this chapter found on such inspected premises. The applicant for an inspection shall state in writing, on forms provided by the Director, his/her full name, residence, and the reason and authority for the requested inspection. The Director shall deny the application for failure to comply with these requirements.



b. There shall be a charge of ten (\$10.00) dollars for the inspection. All such fees collected for inspection shall forthwith be transmitted to the City Treasurer.

c. In no instance shall any errors or omissions in the informational certificate or report of the inspection be construed to impose any liability therefor on the City or the Director, or on the servants, agents or employees of the City.

(R.O. 1966 C.S. § 15:11-9)

18:12-4.5. Certificate of Necessity to Require Adjacent Owner to Permit Access for Purpose of Repair; Bond.

a. Any owner who, pursuant to an order of the Director under this chapter, is unable to comply therewith without having access to adjacent property may, where such access has been denied him/her, apply to the Director for a certificate of necessity. The owner shall make application for such certificate of necessity by filing an affidavit showing the need for access and the refusal of the adjacent owner to permit access thereto. Where the owner makes the application within ten (10) days of denial of access by the adjacent owner, the Director may upon a showing of good faith, grant an extension of time to comply with the order sufficient to permit the owner to secure a certificate of necessity as provided herein. The Director shall then order the adjoining owner to appear before him/her on a fixed day and at a fixed time and place to show cause why an order should not be issued by him/her to the adjoining owner directing him/her to permit the requested access for the purpose herein stated. The order shall be served personally upon such owner by leaving a copy thereof at his/her place of residence with a member of the family over the age of fourteen (14) years. In such order the required appearance shall be not less than ten (10) days from the date of such service. If service of the order to show cause cannot be made as above directed, then it may be effected by certified or registered mail addressed to the place of residence of such owner, in which case the required appearance shall be not less than fifteen (15) days from the date of mailing. If the residence of such owner, cannot after due diligence, be ascertained and an affidavit to that effect shall be made by the Director, then the serving of such order to show cause upon such owner may be made by publishing the same once in a newspaper published in the City of Newark, in which case the order shall extend the appearance for a period of not less than thirty-five (35) nor more than sixty (60) days from the date of publication of the order. Proof of publication of such order, together with a copy of such order, shall be filed in the office of the Director. A copy of any order served by the publication or by certified or registered mail shall be posted in a conspicuous place on the exterior of the premises affected by the order on or before the date of publication. The order to show cause shall apprise such owner of the reason for the requested appearance before the Director.

b. The Director shall, on the day fixed in the order to show cause, afford the adjoining owner an opportunity to state his/her reasons in opposition to the requested access. If the Director shall, nevertheless, be satisfied that access is required to the adjoining property for the purpose hereinbefore stated, he/she shall issue under his/her hand and seal a certificate of necessity, setting forth therein the pertinent facts in connection therewith. Such certificate shall thereupon entitle the owner who has been directed to make the repairs to enter upon so much of the adjacent property as shall be necessary to effectively comply with the requirements of the Director. The certificate of necessity shall set a reasonable time within which the work shall be done and completed. Such time shall depend upon the amount of work involved. If the person to whom the order to show cause was addressed and served in accordance with the provisions of this chapter has failed to appear on the day stated therein, or at any extended time for his/her appearance, the certificate of necessity may, nevertheless, be issued by the Director, if he/she should find the requested access necessary. Such issuance shall have the same effect as if an appearance has been made.



c. 1. The person to whom access has been given by such certificate of necessity shall alone assume full responsibility for any damage he/she may cause to the adjoining owner's property. No responsibility shall attach to the Director or his/her representative for issuing a certificate of necessity.

2. Prior to the issuance of a certificate of necessity the Director shall ascertain the extent of the repairs required of the applicant. He/she shall thereupon direct the applicant to deposit with the Director a surety bond in favor of the adjoining owner and any other person in possession of the premises affected by a surety company authorized to do business in New Jersey and shall agree to indemnify the affected owner and any other person for any property damage or personal injuries, or both, which may be caused by the applicant; provided, however, that the bond shall be in a sum of not less than one thousand (\$1,000.00) dollars nor more than twenty-five thousand (\$25,000.00) dollars. In fixing the amount of the bond the Director shall determine and take into consideration the extent and duration of the repairs to be done and the proximity of the improvements on the premises affected by the certificate of necessity to be issued. The bond shall be approved as to form by the Corporation Counsel or First Assistant Corporation Counsel of the City.

d. Any refusal to comply with this subsection or any interference with access to premises as provided in the certificate of necessity shall constitute a violation of this Code.

(R.O. 1966 C.S. § 15:11-10)

18:12-5. RESPONSIBILITIES; UNFIT BUILDINGS.

18:12-5.1. Duties and Responsibilities of Owners, Operators and Occupants.

a. *Maintenance of Exterior of Premises and Structures.* The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards.

b. *Appearance of Exterior of Premises and Structures.* The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted as part of a plan of urban renewal by the City of Newark and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values including the following:

1. Landscaping. Premises shall be kept landscaped and lawns, hedges, and bushes shall be kept trimmed and free from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.

2. Signs and Billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith, or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.

3. Signs or advertisements. Except for "For Rent" signs, any temporary sign or other paper advertising material glued or otherwise attached to a window or windows or otherwise exposed to public view shall be removed:

(a) At the expiration of the event or sale for which it is erected; or

(b) Within sixty (60) days after erection, whichever shall occur sooner.

Except during the course of repairs or alterations, no more than thirty-three and one-third (33 1/3%) percent of the square footage of any single window or single window display area shall be devoted to signs or other temporary advertising material attached to the window or windows or otherwise exposed to public view.

4. Windows. All windows exposed to public view shall be kept clean and free of marks, cracks or foreign substances except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas ordinarily exposed to public view unless the areas are first screened from the public view by drapes, venetian blinds, or other permanent rendering of the windows opaque to the public view. All screening of interior shall be maintained in a clean and attractive manner and in a good state of repair.

5. Awnings and Marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk, or other portion of the premises shall be maintained in good repair, and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall together with their supporting members, be removed forthwith. In the event the awnings or marquees are made of cloth, plastics, or of similar materials, the cloth or plastic where exposed to public view shall be maintained in good condition, and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain.

6. Reconstruction of Walls and Sidings. All reconstruction of walls and sidings shall be of standard quality and appearance commensurate with the character of the properties in the same block and on both sides of the street on which the premises front, such that the materials used will not be of a kind that by their appearance under prevailing appraisal practices and standards will depreciate the values of neighboring and adjoining premises as aforesaid.

(a) Exterior doors required. All commercial establishments shall be required to maintain an exterior door on both the front and rear entrances to prevent flies, vermin, litter and debris from entering the establishment. All doors shall conform with requirements of the State Uniform Construction Code.

7. Any security gate installed within the City, extending over or across a store front window or door, shall be of a grate or lattice type, with one hundred (100%) percent mesh or see-through composition. All gates and accompanying hardware shall be maintained in a state of good repair.

8. The Department of Economic and Housing Development through its Division of Economic Development shall be responsible for establishing uniform guidelines and regulations as to the type of security gates and/or doors to be installed within the Central Business Area. In order to assist affected property owners in retro-fitting their building(s) to comply with the provisions herein, the Department of Economic and Housing Development shall establish a security gate program wherein the City shall supply and install security gates and doors at no cost to all participating property owners. The Department of Economic and Housing Development shall, in accordance with applicable law, contract with a vendor to supply and install such gates and/or doors.

9. Penalty. The failure to install an approved security gate or door as required by this subsection and within the time frame provided herein shall be considered a violation punishable upon conviction of same in a minimum amount of one hundred (\$100.00) dollars and a maximum amount of one thousand (\$1,000.00) dollars or imprisonment not to exceed ninety (90) days or both. The failure to comply with the provisions herein shall constitute a daily violation.



c. *Structural Soundness.* The exterior and interior of every structure or accessory structure (including fences, signs, and store fronts) shall be maintained in good repair and all surfaces thereof shall be kept painted or otherwise provided with a protective coating sufficient to prevent structural deterioration and to maintain appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved and safety and fire hazards eliminated.

1. *Store Fronts.* In the event repairs to a store front become necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

d. *General Sanitation and Safety.* All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary, would obstruct the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition, including the following:

1. *Washroom and Water Closet Compartment Floors.* Washroom and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry, clean and sanitary condition at all times.

2. *Refuse Storage and Accumulation.* In the absence of a contract, the owner, agent, or operator of every nonresidential property where garbage, refuse, and rubbish shall accumulate, shall provide and keep on such premises sufficient and suitable receptacles, or cans or barrels, and tight-fitting covers therefor, as provided for in Section 15:4-9 of these Revised General Ordinances. Occupants of such premises shall place all garbage, refuse, and rubbish in the receptacles. Storage bins, rooms, and areas shall not be used for accumulated garbage or refuse. Inflammable or combustible liquids or other materials may not be stored on the premises unless they are of a type approved for storage by the regulations of the Fire Department, and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations, unless such bins, rooms, and areas are specifically designated for such use and in that event garbage and refuse must be removed at frequent intervals or as stipulated in other applicable laws or ordinances.

3. *Garbage Removal.* All garbage, refuse, and rubbish shall be collected, removed and disposed of by the producer thereof, and according to the provisions of Title XV of these Revised General Ordinances.

4. *Infestation Elimination.* Every occupant or operator shall be responsible for the elimination of infestation in and on the premises subject to his/her control.

e. *Utilities and Facilities.*

1. *Electrical Service.* All premises shall be properly connected to and provided with electric power through safely insulated conductors conforming to the National Electrical Code and the Building Code.

2. *Lighting of Washrooms and Water Closet Compartments.* Every washroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and maintained that there is no danger of short-circuiting from water from other washroom facilities or from splashing of water.

3. *Fuses and Protective Devices.* Maximum fuse size consistent with safety shall be posted conspicuously in the inside cover of all fuse boxes and no fuse shall be installed therein in excess of the stated maximum except that owners shall not be responsible for violation in fuse installation without their



knowledge where the correct maximum is stated and the fuse box is located within any part of the premises which is in the exclusive possession of occupants other than the owner.

f. *Inspections and Reports.*

1. Reporting Violations. Upon discovery by an occupant of any condition on the premises which constitutes a violation thereof, the occupant shall report the same to the Director responsible for enforcement hereunder.

2. Inspections. All buildings and premises subject to this chapter are subject to inspection from time to time by the enforcing officer, and at the time of such inspections all rooms and parts of the premises must be available and accessible for such inspections, and the owner and operator are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made during regular open hours of the business occupying the premises unless there is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

(R.O. 1966 C.S. §15:11-11; Ord. 6 S+FQ, 1-20-88; Ord. 6 S+FI, 6-1-88; Ord. 6 S+FB, 10-6-93; Ord. 6 S+FC, 3-6-02 §1)

18:12-5.2. Buildings and Structures Unfit for Use or Human Occupancy.

a. Whenever it shall be decided by the Director that any building or structure or portion thereof is unfit for use or human occupancy by reason of its being so infested with disease, or by reason of its being in a condition dangerous to health or life, or to be likely to cause sickness among the occupants, or by reason of its being so decayed, unsanitary, unsafe, or vermin-infested, that it creates a serious hazard to the health or safety of the occupants or the public, or by reason of lack of safe illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public, and a notice of such decision and reason therefor shall have been affixed conspicuously on the building or structure so decided to be unfit for use or human occupancy and a copy also served upon the owner and occupant if the same can be found in this State, requiring all persons therein to vacate such building or structure or portion thereof for the reasons to be stated therein as aforesaid, such building or structures shall, within ten (10) days thereafter, be vacated, or in case of special emergency, within such shorter time as in such notice may be specified. It shall be the duty of the owner to cause such building or structure to be vacated by the occupants within the time herein specified. It shall likewise be the duty of the occupants to vacate the building or structure within the specified time. The notice to the owner, operator, and occupant may be served in the manner provided in Section 18:12-4.2.

b. Any person affected by any such notice may request and shall be granted a hearing on the matter before the Director, provided that a written request for such hearing shall be filed in the office of the Director within five (5) days, excluding Saturdays, Sundays, and holidays, after service of notice upon him/her. Upon receipt of such request, the Director shall set a time and place for a hearing, which shall be not more than ten (10) days from receipt of such request. Notice of such hearing shall be sent to the person not less than three (3) days before the date set for the hearing. Upon filing of the request for a hearing, proceedings under the notice shall be stayed until a determination is made thereon by the Director.

c. If the Director shall, at such hearing, determine that the building or structure is unfit for human occupancy or use he/she shall so inform in writing the persons affected by his/her determination. The building or structure shall then be vacated within ten (10) days from the date of such determination.

d. In emergency cases where it reasonably appears that there is immediate danger to the life or safety of any person or the safety of the adjoining property, or properties, the Director may order the building or structure to be vacated within such shorter time than ten (10) days as the emergency shall, in his/her

judgment require. In such case, the request for a hearing shall be filed in the office of the Director within two (2) days, excluding Saturdays, Sundays, and holidays, from service of the notice upon the person affected, and the hearing shall be held not more than three (3) days thereafter.

e. When the Director finds that a building or structure is unfit for use or human occupancy within the meaning of this chapter and notice thereof has been given to the owner and occupant as above provided, no person shall thereafter, unless pursuant to a stay by a court of competent jurisdiction, receive rentals, offer for rent or occupy or permit the occupancy of the building or structure for use or occupancy until the Director has found that the condition causing the premises to be unfit has been abated or removed and that the premises are again fit for use or occupancy. Upon the abatement or correction of the condition, the owner or occupant may make written request to the Director for a further inspection and hearing. If the Director shall find the condition corrected or abated he/she shall cause the removal of the signs prohibiting occupancy and shall advise all interested persons that occupancy may be resumed.

(R.O. 1966 C.S. § 15:11-12)

18:12-5.3. Owner Information for Nonresidential Property.

It shall be the responsibility of the owner of a nonresidential building to file with the Department of Police and Fire, a notice which shall contain the following information:

The name and telephone number of a representative of the owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit therein and who has the authority to make emergency decisions concerning the building. (R.O. 1966 C.S. § 15:11-13)



CHAPTER 13 VACANT BUILDINGS

18:13-1. SECURING VACANT BUILDINGS.

Editor's Note: The preamble to the source ordinance (June 19, 1968) for this section reads as follows:

Whereas, it has been found and declared that there exist in the City of Newark multiple dwellings which are, or may become vacant and abandoned due to dilapidation and defects, increasing the hazards of fire, accidents or other calamities rendering such premises unsafe, dangerous or detrimental to the health and safety or otherwise inimical to the welfare of the residents of the City of Newark; and

Whereas, such vacant and abandoned buildings creates blighting conditions and slum areas; and

Whereas, such conditions should be curtailed and removed for neighborhood enhancement and protection and fostering the public health, safety and welfare.

18:13-1.1. Definitions.

As used in this chapter:

Blight shall mean any condition known at public law or in equity or as provided by the Statutes of New Jersey (N.J.S. 40:55C-3).

Unfit buildings shall mean all buildings or structure where any or all of the following occurred:

- a. Constant vandalism requiring the property to be secured repeatedly;
- b. Owner failed to secure and protect the building and the City of Newark required to do same to protect the health and welfare of the community;
- c. The property attracts squatters, trespassers and/or other persons engaged in illegal activity;
- d. The property is subject to fires or defects increasing the hazards of fire, accidents or other calamities; or
- e. The property is a public nuisance as defined at law or in equity as provided by the statutes of the State of New Jersey or Section 18:11-2.

(Ord. 6 S+FC, 12-16-92 § 1)

18:13-1.2. Designation as Public Officer.

The Director of the Department of Neighborhood and Recreational Services of the City of Newark is hereby designated as a Public Officer to exercise the powers prescribed in this chapter. He/she may appoint or designate such other public officials or employees of the City to perform such duties as may be necessary for the enforcement of this section including the making of inspections and holding hearings.

(Ord. 6 S+FC, 12-16-92 § 1)

18:13-1.3. Determinations of Public Officer.

For the purpose of this chapter, the Public Officer may determine that a building or the surrounding property or vacant land, as herein described, is injurious to the health and safety of the occupants thereof, or of neighboring buildings of other residents of the City; such conditions may include, but without limiting the generality of the foregoing, dilapidation, disrepair, uncleanliness; or conditions deleterious to the well-being of the general public with reference to property not properly maintained as required by the Housing Code of the City of Newark. (Ord. 6 S+FC, 12-16-92 § 1)

18:13-1.4. Filing of Petition.



Whenever a petition is filed with the Public Officer by a public authority, as defined in N.J.S. 40:48-2.4, or by at least five (5) residents of the City or it appears to the Public Officer on his/her own motion that any building is in a state of dilapidation, or disrepair, the Public Officer shall, if his/her preliminary investigation discloses the above, issue and cause to be served upon the owner of the premises in question a complaint stating the charges and the basis therefor and containing a notice that a hearing will be held. The owner shall have a right to file an answer and appear in person or by counsel and give testimony concerning the charges. The rules of evidence of the State of New Jersey shall not be controlling in hearings before the Public Officer. (Ord. 6 S+FC, 12-16-92 § 1)

18:13-1.5—18:13-1.7. Reserved.

18:13-1.8. Inspection of Unoccupied Structures.

The Director of the Department of Health and Human Services, or the Director of the Department of Police or the Director of the Fire Department or the Director of the Department of Neighborhood and Recreational Services or the Director of the Department of Engineering or such other subordinate official as each may designate to act in his/her behalf in each department or division of the department be and are hereby empowered to enter into and upon and to inspect each and every industrial, residential or other type structure in this City which is or has been vacant or unoccupied for a period of more than five (5) days. (R.O. 1966 C.S. § 15:12-1; Ord. 6 S+FK, 9-20-89)

18:13-1.9. Notice to Owner; Failure to Perform Work; Action by City.

Complaints, orders or certifications issued by the City pursuant to this chapter shall be served upon owner or owners either personally or by registered and regular mail simultaneously, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the City official in the exercise of reasonable diligence, and the City official shall make an affidavit to that effect, then the serving of such complaint, order or certification upon such owner or owners may be made by publishing the same once in a newspaper printed and published in the City of Newark, or, in the absence of such newspaper, in one printed and published in Essex County and circulating in the City of Newark. A copy of such complaint, order or certification shall be posted in a conspicuous place on premises affected by the complaint order or certification. A copy of such complaint, order or certification along with proof of service or proof of publication shall be duly recorded or lodged for record with the Essex County recording officer.

When any building or structure whether residential, commercial, industrial, or any other type, has been vacant and unoccupied for a period of fifteen (15) or more days and the Director of the Police Department, the Director of the Fire Department, or the Director of the Department of Health and Community Wellness, or the Director of Neighborhood and Recreational Services or such other subordinate official as each may designate to act in his/her behalf in each department or division of the department certifies, orders or complains that the same constitutes a danger and a threat to the health, welfare or safety to the inhabitants or other persons in the area, or to other buildings in the area, the owner or owners of the premises shall within seven (7) days of receipt of such certification, order, or complaint, or such further period as the aforesaid official shall grant, protect and secure the building or structure from fire, vandalism, intrusion, unlawful entry or unlawful use in the following manner:

- a. The owner or owners shall remove therefrom all debris and the premises shall be broom-cleaned internally.
- b. The owner or owners shall secure and protect the building or structure and have all doorways, entrances, windows or other openings into the building or buildings whether such doorways, entrances or openings shall be for persons, goods, merchandise, materials, fixtures, light or air; fully and completely covered and protected on the outer surface thereof with one-half (1/2) inch thick ply score or plywood in



the case of frame structures or with 10 gauge sheet metal in the case of brick, concrete, concrete block or cinder block buildings.

c. Upon failure of the owner or owners to so secure and protect the building or buildings within the period specified in this section, immediate notice shall be given by the Director of the Department of Health and Community Wellness, or the Director of the Department of Police, or the Director of the Department of Fire or the Director of the Department of Neighborhood and Recreational Services or the Director of Engineering, or their representatives, and upon receipt of such notice, the City of Newark shall forthwith proceed to secure the same as hereinabove set forth. Upon completion of such work by the appropriate directors, the cost thereof shall be certified by the Department of Law for collection thereof from the owner or owners.

d. Any building that has been boarded for ninety (90) days and is so damaged to such an extent that nothing remains but the walls or parts of the walls and supports or is otherwise found to be unsafe or unsanitary, shall be considered a threat and danger to the health and welfare of the community and shall be demolished.

e. After the ninety (90) days, described hereinabove, the owner or other person in charge of the secured building shall submit a plan to the Director of Engineering for purposes of rehabilitation of the secured building in order to comply with all local and State Codes, ordinances and statutes relating to the issuance of a certificate of occupancy or in the alternative shall apply for a permit to demolish the building with the Director of Engineering. All permits required for certificate of occupancy pertaining to the plan shall be obtained within one hundred fifty (150) days of receipt of the notice described in this section.

f. Any building consisting of four (4) or more residential units shall be subject to demolition if the building has been vacant and abandoned for two (2) years and constitutes a blighted condition as described in this section.

g. Any building consisting of four (4) or more residential units shall be subject to demolition if the building has been vacant for six (6) months and is determined to be unfit as defined herein.

(R.O. 1966 C.S. § 15:12-2; Ord. 6 S+FK, 9-20-89 § 1; Ord. 6 S+FC, 12-16-92 § 2, 3; Ord. 6 S+FE, 11-17-97 § 1; Ord. 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14)

18:13-1.10. Continuation of Vacancy Prohibited.

It shall be unlawful for the owner or owners of any building or structure to permit the same to remain vacant and unoccupied after certification and failure to properly secure the same as provided in Section 18:13-1.9. (R.O. 1966 C.S. § 15:12-3)

18:13-1.11. Penalty for Failure to Perform After Notice.

Failure of the owner or owners to so secure and protect the abandoned or uninhabited or vandalized or damaged, destroyed or unsafe structures after receipt of notice provided for in Section 18:13-1.9, shall be punished by a fine of not less than one hundred (\$100.00) dollars but not to exceed one thousand (\$1,000.00) dollars or by imprisonment for a term not to exceed ninety (90) days or shall be ordered to participate in a program of community service for no more than ninety (90) days or any and all of the above. (R.O. 1966 C.S. § 15:12-4; Ord. 6 S+FK, 9-20-89 § 1)

18:13-1.12. Penalty for Failure to Demolish or Rehabilitate Building.

a. If the owner or owners fail to obtain a permit to demolish the building and to commence the demolition of the building, the Public Officer may cause such building to be removed, demolished or impose other appropriate action deemed necessary to remedy the condition.



b. The amount of the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the cost of any proceeding taken as determined in favor of the City; and the cost of any such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, undertaken shall be a municipal lien against the real property upon which such cost was incurred or a personal judgment against the property owner.

(R.O. 1966 C.S. § 15:12-4; Ord. 6 S+FK, 9-20-89; Ord. 6 S+FC, 12-16-92)

18:13-1.13. Compliance with Other Ordinances.

None of the above provisions shall in any way be construed to relieve the owner or owners of any responsibility or liability imposed by any pertinent sections of this Code, as amended and supplemented, including but not limited to the following:

Title VII State Uniform Construction Code

Title XI Fire Prevention Code

Title XV Solid Waste Management

Title XVIII Housing Code

(R.O. 1966 C.S. § 15:12-5)

^[3]**Editor's Note:** The definitions for mercantile, industrial, and business buildings in this subsection is specified in the State Uniform Construction Code in Title VII of these Revised General Ordinances.

TITLE XVIII HOUSING CODE

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